DOCUMENT RESUME

ED 144 228 EA 009 936

TITLE	Almost As Fairly: The First Year of Title IX Implementation in Six Southern States. A Report.
INSTITUTION	American Friends Service Committee, Jackson, Miss. Southeastern Public Education Program.
SPONS AGENCY	Ford Foundation, New York, N.Y.
PUB DATE	Apr 77
NOTE	143p.; Photos may reproduce poorly on microfiche
AVAILABLE FROM	Southeastern Public Education Program of the American Friends Service Committee, P.O. Box 22652, Jackson, Mississippi 39205 ($3.50)
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	Affirmative Action; Athletic Programs; *Board of Education Policy; Counseling; Elementary Secondary Education; Employment Practices; *Equal Education; *Federal Legislation; Federal Regulation; Physical Education; Pregnancy; Principals; School Integration; *School Policy; *Sex Discrimination; Sex Stereotypes; Vocational Education
IDENTIFIERS	*Education Amendments 1972 Title IX

ABSTRACT

Volunteers from community organizations in six southern states monitored 21 school districts to find their districts' initial answer to Title IX, federal legislation barring sex discrimination. The actual monitoring of the 21 districts was completed in the late spring of 1976, with data covering the first year of Title IX implementation. The purpose of the project was to help local citizens arm themselves with the detailed information needed to substantiate violations of the law and seek remedies at the appropriate levels. The report is a formal complaint to the Office for Civil Rights, HEW, of Title IX violations for each school district monitored in the report. The report contains district findings on (1) initial compliance; (2) access to course offerings (physical education, vocational education, counseling and employment assistance); (3) athletics; (4) treatment of students, codes of dress and conduct; (5) employment opportunity; (6) pregnancy, marital status, and fringe benefits; (7) single-sex schools; and (8) community advocacy. (Author/MLF)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED144228

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

SEPEP/AFSC

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

ALMOST AS FAIRLY

The First Year of Title IX Implementation in Six Southern States

A Report by the
Southeastern Public Education Program
of the American Friends Service Committee

EA 009 936

This report is dedicated
to the memory and contributions of

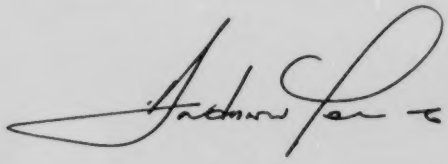
FANNIE LOU HAMER
1917 - 1977

They put Fannie Lou Hamer's furniture and her few belongings out on the side of the road. They put her in jail and beat her. But she stood up and led that first group downtown to the Ruleville, Mississippi, courthouse to register to vote.

We don't realize how much started on that hot Mississippi day. When you look at recent history, much of it evolved with this woman and others out of Mississippi — the first place that women, that I know about, sat down and started talking about the rights of women.

When those of us who were male and had all the press conferences, drove in all the cars with the two-way radios, and sent the ladies out to do the knocking on the doors, the women got together and began the women's movement.

From her humble beginnings in Ruleville, Mississippi, Fannie Lou Hamer literally shook the foundations of this country. In the early sixties she, with all of us here, began a drive not only to end racism, to set black folks free—but a movement to bring about the liberation of the women of this nation.



Andrew Young
United States Ambassador
to the United Nations

from his eulogy delivered
at Fannie Lou Hamer's funeral,
Ruleville, Mississippi,
March 20, 1977

Copyright © April, 1977
by the Southeastern Public Education Program

All rights reserved.
No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher. **For information, contact Southeastern Public Education Program, 52 Fairlie Street, N.W., Atlanta, Ga. 30303.**

Library of Congress Catalog Card Number 77-78366
Printed in the United States of America
First Printing - May, 1977
Price: $3.50

ACKNOWLEDGEMENTS

Project Director: **Winifred Green**

Writer: **Jane Reid Petty**

Monitoring Director: **Janet Wells**

We wish to thank the following organizations
for their assistance with the monitoring project:

Alabama
League of Women Voters of Greater Birmingham
League of Women Voters of Auburn

Arkansas
League of Women Voters of Camden
American Association of University Women, Camden
League of Women Voters, Fairview
League of Women Voters and Friends of the League, Camden
Pope County-Russellville League of Women Voters

Georgia
American Association of University Women, Valdosta
League of Women Voters of the Albany Area
American Association of University Women, State of Georgia

Louisiana
Council of Jewish Women, Shreveport
League of Women Voters, Shreveport
American Association of University Women, Shreveport
National Organization for Women, Jefferson Parish
National Organization for Women, Tangipahoa Parish
Baton Rouge Consumer Protection Center
Bureau on the Status of Women, State of Louisiana

Mississippi
American Civil Liberties Union of Mississippi
Tombigbee Council on Human Relations
Mississippi Council on Human Relations
Combined Community Child Development Services, Inc., Starkville
National Organization for Women, Starkville
American Civil Liberties Union of Mississippi, Jackson chapter
League of Women Voters, Jackson chapter
National Organization for Women, Jackson chapter
American Civil Liberties Union, North Mississippi chapter

South Carolina
League of Women Voters, Greenville
American Association of University Women, Greenville
National Council of Jewish Women, Greenville
League of Women Voters of York County
Sumter County YWCA
League of Women Voters of Sumter County
American Association of University Women, Clemson Branch
League of Women Voters of the Clemson Area

NATIONAL ORGANIZATIONS
The Federal Education Project of the Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States

Almost as Fairly was made possible by a grant from the Ford Foundation. The opinions expressed in this publication are not necessarily those of the Ford Foundation.

The photographs in this book are for illustrative purposes only. They are not meant to imply any direct relationship between any particular person and the text.

Photographs: **Angela Meyers**

Cover design: **Jim Hannon**

Layout: **Barbara Austin**

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

Title IX, Education Amendments of 1972

INTRODUCTION

"I do not feel that sex discrimination in our school is a big problem. I think that girls are treated almost as fairly as boys."

...White male ninth grade student, Valdosta, Ga.

Discrimination on the basis of sex is a daily fact of life for women four years after the passage of Title IX. That this is especially true in the public schools, an institution designed to increase opportunity for all children, demonstrates that women will continue to be treated *almost as fairly.*

The experience of the Southeastern Public Education Program in its work to abolish the dual school system in the South taught us all too clearly that the passage of a law is a small first step in the struggle for equality. Laws must be made to work.

People who believe that the present and future lives of children are more important than institutions are our most effective advocates. These people, from community organizations in six southern states, made an impact through monitoring their school districts in the project that led to this report. Dedicated volunteers in 21 school districts went into schools and homes to find their districts' initial answer to the law of the land.

Monitoring is not an easy task. Those who seek positive change through full compliance with the law must be prepared for a long struggle. But they can make the difference between a law restricted to words and rhetoric and a law that brings about change in the lives of people. We believe that this monitoring report can be utilized by students, parents, teachers and community groups as resource material and a suggested guide as they work to eliminate sex discrimination.

It was the hope of the American Friends Service Committee that the years of delay, evasion and defiance experienced in school desegregation would not be repeated with Title IX. The disappointment is, that in districts monitored for this report, identical patterns are being set and reinforced. We have reason to believe that the same situation exists in other school districts of the nation.

This situation results in large part from the failure of the Office for Civil Rights, HEW, to set clear and consistent policies and enforce them to implement the law. The constitutional rights of students and teachers cannot be guaranteed until this is done.

This report is a formal complaint to the Office for Civil Rights, HEW, of Title IX violations for each school district monitored in this report. We request an immediate compliance review of each of these districts.*

Winifred Green

*Other recommendations to OCR are included in the Policy Recommendations section of this report.

RECOMMENDATIONS

General

Based on the reports of our monitors, the work of the Southeastern Public Education Program, and consultation with other non-profit groups who work to strengthen national policy and practices concerning women and girls in education, we make the following general recommendations to the Office for Civil Rights, HEW.*

The most important task of the Federal government in education is to bring about equal educational opportunity: **HEW should fulfill its responsibility to promulgate clear regulations defining the obligation not to discriminate under Title IX.** The Department's failure to fulfill this responsibility has not only meant that people's rights have been violated. It has also meant that school districts are not advised of their obligations in a manner that enables them to obey the law, even when they wish to do so.

We maintain that gradualism in enforcement of the law in order to appease those who wish to continue discrimination will never achieve equality. **HEW should fulfill its responsibility to require school districts to be in compliance and permit no time for deliberate inaction on the part of school systems.**

HEW should fulfill its responsibility to enforce the law of the land. We recommend clear policy guidelines that will enable the Office for Civil Rights to accomplish its various mandates. By effective management and careful use of resources OCR will be able to develop a compliance mechanism that is systematic and is not solely complaint oriented.

HEW must not allow unconstitutional and unlawful practices for any reason. Unconscious discrimination or discrimination as a result of tradition becomes conscious when identified. We recommend that HEW take steps to identify this discrimination where it now exists and remove inequality of opportunity through the act of identification and effective enforcement.

Self-Evaluation

The final regulation requires that a recipient evaluate its compliance with Title IX, modify policies or practices not meeting the requirements, take remedial steps.

OCR in its Title IX Manual found self-evaluation "perhaps the most important provision in the regulation." In the same manual, OCR removed the Department from mandating a specific means for conducting the evaluation and further stated that OCR regional staff must "make clear that OCR is not prescribing any particular method."

Again, the Office for Civil Rights avoided its responsibility to the Congress and to school districts by limiting its role to a simplistic instruction that the regulation exists—providing neither form nor substance to aid school districts in procedure.

We recommend that:

1. OCR specify a standard means of conducting the self-evaluation.
2. require that school systems file with the OCR Director an annual plan of operation to eliminate sex discrimination.
3. require that school systems maintain self-evaluation yearly, with freedom of information to the public.
4. require a new self-evaluation in 1977-78 since the 1976-77 evaluations are mainly without value due to the absence of OCR guidelines.
5. require the appointment of a self-evaluation committee in all school systems, membership broadly representative of that district, with specific duties specified by OCR.

*We concur in the recommendations to HEW in **Fundamentals for Equity in Federal Education Policy: Lessons, Principles, Recommendations.** The Education Coalition, March, 1977

Grievance Procedure

The final regulation requires that a recipient adopt and publish a grievance procedure providing for prompt and equitable resolution of complaints alleging actions prohibited by Title IX. OCR issued no guidelines to school systems for this grievance procedure and has stated that it will not. We find in all school districts monitored the need for clear and concise guidelines from OCR. We strongly recommend that the Office for Civil Rights formulate and distribute a standard grievance procedure for school systems, necessary to ensure students and employees their rights under the law.

We further recommend that:

1. The grievance procedure for use by elementary and secondary schools should detail the necessary information to be included in the complaint
2. clearly explain the entire grievance procedure including the appeals process
3. clarify that this process need not be exhausted prior to filing a formal complaint with OCR.

An additional recommendation is that OCR require each school district to distribute a copy of this procedure to all students and employees of the system no later than thirty days after the opening date of the school term.

Physical Education

HEW has stated that, for compliance, the allowed adjustment period "...is not an automatic waiting period; recipients must comply as expeditiously as possible and may only take advantage of the adjustment period if they can show real barriers to immediate compliance. Active steps toward full compliance must be taken during the adjustment period." (OCR Manual)

We recommend that HEW require that districts operating secondary schools not in full compliance with this section of the regulation file with OCR a statement detailing the real barriers to compliance and the active steps, with the dates for completion, that the district is taking. This statement should be filed no later than November 1, 1977.

Unless this is done, OCR will have no means of determining in a systematic manner whether or not school districts are merely waiting for the last minute of the last day.

Single-Sex Schools

We recommend that the Office for Civil Rights compile a list of school districts that operate single-sex non-vocational schools. The AFSC maintains that segregation for any reason in public elementary and secondary schools is unlawful. We further maintain that single-sex schools are in violation of civil rights laws.

OCR must review in depth single-sex schools' method of compliance with Subpart D, (Section 86.34) of the Title IX regulation.

As in racial desegregation, the test of a plan must be whether or not it works. School districts should have the responsibility of demonstrating that they are obeying the law.

We further recommend that those school districts that initiated single-sex schools within five years of a court order or an HEW voluntary desegregation plan be reviewed carefully for Title VI violations.

Data Collection

It is not reasonable to assume that OCR can carry out its various mandates to assure equality of educational opportunity without having *all* school districts participate in its Civil Rights Survey.

Without the survey, OCR has no data base on which to build an effective compliance program.

We recommend that OCR continue the survey and that they seek to strengthen the information required in ways that assist school systems and citizens in assessing compliance with civil rights laws.

We further recommend that, beginning with the 1977-78 school year, the 101s filed by school districts with OCR show how many non-vocational schools attended by only one sex are operated by the district. The 101s should also show how many of the non-vocational schools in a district have enrollments of 80 per cent or more of one sex.

"Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams...will not constitute noncompliance with this section..."
Title IX Regulation

Athletics

The decision of OCR to allow unequal aggregate expenditures for males and females in Athletics has resulted in continued inequality in sports for girls and women.

The concern of public school athletic programs should be the development of a comprehensive athletic program that meets the needs of all students. When a system of inequality has existed over a number of years, equity will not be achieved by allowing sports played almost exclusively by men to receive more funding than sports played by women who have been and continue to be the victims of discrimination.

This is especially true when the sport or sports receiving the majority of monies available are played by a minority of enrolled students. In that event this inequality is prohibiting the physical development of both males and females.

We recommend that OCR amend its regulation to Subpart D, Section 86.41 to require equal aggregate expenditures in school districts that operate interscholastic athletic teams for one sex only, if that team's budget exceeds half the total expenditure for Athletics. If no such team exists in a school system, unequal expenditures may be allowed, providing the district can demonstrate equal opportunity to participate in Athletics.

The question and answer segment, attached to the Final Title IX Regulation and issued by the Office for Civil Rights, contains the following:

"Question: Can a school be exempt from Title IX if its athletic conference forbids men and women on the same noncontact team?"

"Answer: No. Title IX preempts all state or local laws or other requirements which conflict with Title IX."

We recommend that the Office for Civil Rights and the Civil Rights Division of the Justice Department jointly develop a legal strategy to hold state high school athletic associations accountable for their discriminatory policies and practices. Whether or not these associations are supported by public monies, their policies and practices significantly affect opportunities for women and girls in interscholastic athletics.

Employment Opportunity

In the education profession, entry level positions (teachers) have traditionally been open to females. Administrative positions have been filled by males.

In the 21 districts monitored for this report, women were not found in significant numbers as secondary school principals or as central administrative staff. The chart on the final page of the Employment Opportunity section of this report shows in only one district a percentage of female teachers less than 70 per cent. In all districts the percentage of male principals was over 70 per cent.

One can reasonably assume that many of these women are interested in climbing the career ladder in their profession. Some may not have sought the necessary credentials for administrative positions because they felt the field would always be closed to them regardless of their qualifications simply on the basis of their sex. The standard excuse given by male administrators for not hiring more women in these positions is "a lack of applicants with certification." This report found that this is not true and that in many places there are women with equal or better qualifications than men who are not selected for positions.

If men and women were selected in reasonable proportion to their availability in the labor pool one would expect to find the administrative positions in the districts monitored almost 70 per cent female. The percentage is almost exactly reversed. OCR should require that districts demonstrate that their selection process reasonably reflect the proportion of men and women in the labor pool and that the district has taken steps to make sure that women are notified and encouraged in the same manner as men to apply for these positions.

OCR has not developed a means of evaluating in a systematic manner whether or not an LEA's applicant pool meets the requirement outlined in its Title IX manual.

While in some districts monitored in this report staff development opportunities are "equally available to men and women" in no district did we find these opportunities "designed to eliminate underrepresentation of members of one sex..."* Clearly, this must be done if women are going to have equality of opportunity in administrative positions in public schools.

In new hires at the secondary level, we recommend first consideration of certified women from the labor pool until there is reasonable equity for women in administrative positions. Also, we recommend that OCR require school systems to assist women in obtaining certification for administrative positions as a demonstration of good faith to correct the effects of past discrimination demonstrated in this report that details the traditional attitude of administrators to discourage women from obtaining certification because of an assumed lack of openings to them in the higher paying areas of administration.

Vocational Education

We strongly recommend that the Office for Civil Rights begin immediately to enforce its present Title IX regulation on Vocational Education. In all districts monitored there was a need for remedial and affirmative action in vocational education to overcome the effects of past discrimination. School systems monitored claimed that students were free to take any course they wanted, but we found school catalogs using female and male pronouns to describe traditionally male and female courses and many examples of sex segregated classes. Vocational education can offer an opportunity for young women to enter careers closed to them in the past.

We found that women often have the separate burden of proving serious intent. The Office for Civil Rights should take the necessary steps to remove this prejudice from counseling and vocational education.

*Title IX Manual, Office for Civil Rights, Elementary-Secondary Education Division, September, 1975.

We wish to thank the following organizations for their generous consultation in formulating the recommendations.

- American Association of University Women
- Association for Intercollegiate Athletics for Women
- The Federal Education Project of the Lawyers' Committee for Civil Rights Under Law
- League of Women Voters of the United States
- Project on Equal Education Rights
- Project on the Status and Education of Women

CONTENTS

DEDICATION

ACKNOWLEDGEMENTS

INTRODUCTION

POLICY RECOMMENDATIONS

1 INITIAL COMPLIANCE 9
- Self-Evaluation
- Designation of Title IX Coordinator
- Dissemination of Information
- Grievance Procedure
- District Findings
  - Mississippi
  - South Carolina
  - Alabama
  - Arkansas
  - Georgia
- Assurance of Compliance

2 ACCESS TO COURSE OFFERINGS 21
- Physical Education
- Vocational Education, Counseling and Employment Assistance
- District Findings
  - Arkansas
  - South Carolina
  - Alabama
  - Mississippi
  - Georgia
  - Louisiana

3 ATHLETICS 41
- District Findings
  - Arkansas
  - South Carolina
  - Georgia
  - Alabama
  - Mississippi
  - Louisiana

4 TREATMENT OF STUDENTS 59
- District Findings
  - Arkansas
  - South Carolina
  - Alabama
  - Mississippi
  - Georgia
  - Louisiana
- Codes of Conduct and Dress

5 EMPLOYMENT OPPORTUNITY 69
District Findings
Mississippi
South Carolina
Alabama
Louisiana
Arkansas
Georgia

6 PREGNANCY, MARITAL STATUS AND FRINGE BENEFITS 83
District Findings
Arkansas
South Carolina
Alabma
Mississippi
Georgia

7 SINGLE-SEX SCHOOLS 93
District Findings
Jefferson Parish, Louisiana
Tangipahoa Parish, Louisiana
Amite County, Mississippi

8 COMMUNITY ADVOCACY 113

ADDENDA 121

1. INITIAL COMPLIANCE

"The South is not unfamiliar with the problems of grappling with the effects of past discrimination nor with the unpleasant results of a prolonged resistance to the law. Let us hope the experience of the past has taught us the lessons required to move with haste towards providing equal opportunities for women in our schools, as Title IX and common sense now require."

Hayes Mizell, Associate Director,
Southeastern Public Education Program,
American Friends Service Committee

A classic complaint by school systems is that they are not permitted to solve their civil rights problems without federal interference.

It was in response to such complaints that the Office for Civil Rights of the Department of Health, Education, and Welfare began, during the Nixon administration, to seek "voluntary" compliance from school districts, rather than moving to deny federal education funds when compliance reviews proved racial discrimination against students and employees.

And it was in the same self-defeating spirit that OCR, in the final Title IX regulations, gave school districts one year in which to examine their own policies and practices and to develop a plan and timetable for eliminating sex discrimination in education.

This examination process is called Self Evaluation in the Title IX regulations. Each school system was required to complete its evaluation no later than July 21, 1976, in the following areas: policies and practices as they affect sex discrimination against students and employees.

School systems are required to modify any practices or policies not fulfilling Title IX requirements and to take remedial action to eliminate all effects of past discrimination.*

The final Title IX regulations implementing the Education Amendments of 1972, prohibiting sex discrimination in education, were not made mandatory until July 21, 1975. Few school officials made any attempt to comply with Title IX before that date. This was not entirely a case of resistance to the law. It can also be seen in light of school systems not knowing what the final findings of HEW would be or how the long-delayed regulations would affect their practices and policies.

Ideally, superintendents and school board members should have spent those interim years in self-evaluation of sex discrimination, but it is less than realistic to have anticipated that they would, with no recommendations or guidelines from the federal government.

School systems must deal with inadequate resources in personnel, time and money—and must also set priorities. But this cannot be used as an excuse for non-compliance with the law. A priority of this monitoring report is to assess realistically the initial compliance found in all areas within the districts monitored, and to recommend avenues of change to comply with what is the law of the land. One section of this report deals with Recommendations, to be directed both to OCR and the monitored school districts. Recommendations will occur spontaneously in all sections of the report, and specifically here in the area of delay, and what this report found to be a *negation of responsibility by OCR* in initial compliance assistance to school districts.

If, as former Secretary Weinberger of HEW stated, "Much of the discrimination against women in education exists unconsciously and through practices long enshrined in tradition," how could school officials deal effectively with these subtleties without some guidance from the federal government?

Even if intellectually convinced of the destructive nature of sex discrimination, how could local school systems proceed to correct inequities without assistance?

*See Addendum C. for Subpart A, Section 86.3

The Office for Civil Rights within the Department of Health, Education and Welfare, charged by the Congress to design implementing regulations for Title IX, delayed action and acted in the end with less than productive responsibility toward the local school systems.

OCR set a date for self-evaluation completion, but offered no guidance to school systems in conducting their separate evaluations. OCR allowed districts one year, injecting the implied possibility that compliance could be delayed indefinitely.

The OCR manual, directed to all regional offices on the subject of compliance reviews, contains the following admonition: "If you are asked by school officials to furnish guidance for the self-evaluation process, make clear that OCR *is not prescribing any particular method.*" (OCR's emphasis)

If some districts welcomed this lack of "federal interference," others, monitors found, were puzzled by the lack of direction furnished by OCR and unsure of how to proceed—or even if they should proceed—to evaluate and comply with a law prohibiting sex discrimination.

Under their analyzed section on Self-Evaluation, Section 86.3 (c) (d), the OCR manual included:
"The Department has not mandated any specific means for conducting the evaluation, as a method that might be appropriate in one situation may be less than effective in another."

The monitors found a few district officials who were not hostile toward Title IX compliance but simply did not know how to proceed. Obviously a Congress that provides a law should also have the resource of a department to provide guidelines for enforcement.

Also, many Southern school districts, grown tired from years of combat with the Office for Civil Rights, the federal courts and local citizens' groups, are aware that something will be required by Title IX and are prepared to at least make overtures of compliance.

There are, however, exceptions. **Fairview District #16, Ark.,** in rural Ouachita County, was an example of "weary but still fighting." The superintendent told the coordinator of this monitoring project that he was tired of federal titles (laws) and would meet Title IX requirements "the last minute of the last day."

An example of HEW's diminished effectiveness and credibility of enforcement (through the use of "voluntary negotiations") was found by monitors in **York #3, Rock Hill, S. C.** The man serving as Title IX coordinator said he saw no need for a Title IX evaluation because "HEW will probably come in the fall and tell me what I need to do anyway."

The monitor, interviewing the Title IX coordinator, said: "The general tone of our meeting was that he wasn't taking compliance with Title IX regulations too seriously—and that he felt that there was no danger of the school district's getting into difficulty."

The city schools of **Oxford, Miss.,** had taken none of the initial steps required by Title IX, because the superintendent said he had "no idea" what the law's requirements were.

In **Franklin County, Miss.,** the Title IX coordinator said the district's failure to begin a self-evaluation resulted from (1) the fact that the district was already undergoing self-evaluation for accreditation, and (2) "neglect."

Monitors in Franklin County obtained a copy of portions of the accreditation self-study purporting to show the district's position on sex discrimination. There was only one reference to discriminatory treatment on the basis of sex—a curriculum change recommendation which would be in violation of Title IX:

"A course in 'Bachelor Living' for boys is needed," the committee for accreditation self-study reported. "Boys should have the opportunity to learn and develop skills in homemaking." Until informed by monitors, the committee was unaware that such segregative courses, duplicating courses already offered the other sex, are specifically forbidden by Title IX.

In many districts, accreditation self studies were confused with the Title IX self-evaluation, and many school officials were convinced, until monitors arrived, that they were one and the same. Monitors reported in these districts that some officials were not adequately briefed by OCR on Title IX initial compliance requirements; others would comply only when forced to do so.

The **Starkville Separate School District** in Northeast Mississippi began its initial compliance procedures in the spring of 1976, immediately after it was informed that a coalition of organizations under the sponsorship of the American Friends Service Committee was beginning the Title IX monitoring project. One of the superintendent's first steps was to name a self-evaluation committee made up of an already standing administrative council (all-male), members of the school board (all-male) and one teacher. The responsibility for developing the self-evaluation in **Greenville, S. C.,** lay with an all-male group, and in **Sumter School District #2, S.C.,** the committee was primarily male.

In April, the superintendent of **Harmony Grove District #1, Ark.,** in Ouachita County, told monitors that the self-evaluation would not be complete until September. The Title IX coordinator said conversely that the evaluation was completed, with the district in compliance in all areas but physical education. The coordinator said the superintendent was responsible for the self-evaluation; the superintendent said the Title IX coordinator was in charge. A copy of the self-evaluation was not available for monitors.

NOTE: The monitoring project in this, and other districts, was conducted late spring and summer, 1976.

In **Worth County, Ga.,** the superintendent told monitors that the self-evaluation had been started, but no one else could be located who knew the evaluation process existed. A school board member was unaware of Title IX. The superintendent gave monitors the evaluation completion date of late fall, 1976, four to five months after the legal deadline.

Monitors expressed concern, not only with the absence of federal guidelines for self-evaluation, but with the reliability of the evaluations in process and/or completed. When lack of veracity was noted, reasons could range from incomplete assimilation of the regulations to inadequate study of discriminatory practices, long established, in the schools.

Some responses given by the Title IX coordinator in **Greenville, S. C.,** underscore monitors' concerns about the self-evaluation results in several districts. Asked what the district had discovered about discrimination in the hiring and promotion of employees, the Greenville coordinator said that district policy does not allow discrimination.

Yet, two teachers who themselves had been personally encouraged to seek administrative certification and thus had no personal grievances about the system, said that men were usually hand-picked for openings, qualified or not.

The coordinator went on to say that in Greenville "all students have an opportunity for enrollment—there are not restrictions by sex in any course."

Yet the district's consultant for career education said that in courses where there is over-enrollment, students may be eliminated if they cannot convince counselors of their qualification for the field by criteria that includes prior courses and aptitude tests. Here monitors concluded that it is one thing to say that a student may apply for any subject he or she is interested in; another to qualify by making the student submit to criteria he or she is unable to meet because of previous discrimination. Thus the self-evaluation finding—that "there are no restrictions by sex in any course"—would seem to be inaccurate.

Asked about the district's policy on pregnant students, the coordinator said Greenville was "okay" with Title IX. A teacher, however, reported that pregnant students were sometimes pressured to attend an alternative school.

In the area of athletics, the coordinator

mentioned one problem for compliance: athletic opportunities for female students need expansion. Girls in the system, monitors discovered, who wanted to play baseball on all-boys' teams were forbidden in keeping with a South Carolina High School League ruling that is in violation of Title IX. No school officials monitored in any district were willing to combat discriminatory policies set up by their state student athletic associations.

The **Greenville, S.C.,** coordinator is not unique. He is cited only because his responses were typical of officials in most districts, responses that point to inherent problems and limitations in the self-evaluation process as it now stands in Title IX regulations.

A guidance counselor at Bates Middle School in **District #17, Sumter, S.C.,** said self-evaluation had not been discussed because no problems had arisen to warrant an assessment. The school principal said "a general self-evaluation" had "not produced any vestiges of sex discrimination." Yet, officials had no plans for integrating physical education classes and parents told monitors of having to "fight" to get daughters enrolled in certain vocational classes.

At **Camden High School, Camden, Ark.,** the principal said that as a result of the assessment:
"We broadened the scope of girls' athletic programs, adding volleyball and basketball to the existing sports of gymnastics and tennis."

Students, however, cited numerous violations in the athletic program, and the athletic director in 1976 requested more funds for boys' football equipment alone than for the entire girls' athletic budget.

When asked what further steps the district would take as a result of its self-evaluation to eliminate sex discrimination, the principal said:
"We feel all necessary steps have already been taken."

"I feel that more should be done to explain the actual law to teachers, students and administrators. There are too many misconceptions about Title IX."

...Male Teacher, **Camden, Ark.**

Title IX was enacted by the Congress on June 23, 1972, and copies were sent to all Chief State School Officers and to local superintendents in February, 1973. The final implementing regulations for Title IX were published in the Federal Register on June 4, 1975, copies of which were sent to all Chief State School Officers and local school district superintendents shortly thereafter. The final implementing regulation became effective on July 21, 1975.

In the final regulation, HEW established guidelines for dissemination of information about Title IX to students, parents, academic and non-academic employees. The department was specific in its mandate that school systems inform, by individual and published notice the requirements of the law, and that they designate a responsible employee to fulfill the duties of Title IX coordinator. Under the law it is necessary to establish a grievance procedure with process to file complaints expeditiously. This grievance procedure must be published as a matter of public information.*

Initial compliance by school systems in districts monitored was disappointing in the areas of notifying students, parents and employees of their new rights under the law. Many continued their apathetic attitudes, uninformed of Title IX's mandate for equal rights. Others, in administration, resisted the changes for compliance that would give young women and young men equal rights in education. Some resisted by not informing. But it is a positive sign that those who were informed responded with energy and enthusiasm toward change.

Districts' responses to the required appointment of a Title IX coordinator were mixed. In two cases **(Franklin County, Miss.,** and **York #3, Rock Hill, S. C.)** the coordinator was difficult to identify. In Franklin County, the male director of federal programs who had been designated Title IX coordinator, stated that the district had no Title IX coordinator "per se."

"My real position is Title I coordinator," he said.

In the **York #3** district, the monitor asked for the identity of the Title IX coordinator and was directed to a woman who was director of public information. The woman denied being Title IX coordinator and directed the monitor to the personnel director, a man. And he said: "Whenever they (school officials) have something they don't know what to do with, they give it to me."

Some districts had not appointed Title IX coordinators by late spring of 1976, but in a few districts—specifically **Jackson, Miss.,** and **Russellville, Ark.**—the superintendents appointed women to this administrative post who seemed knowledgeable about Title IX requirements.

The role of the Title IX coordinator is a crucial one in the successful implementation of Title IX. The final regulations did not specify the prerequisite skills for the position and required only that at least one employee be designated to coordinate efforts to comply with Title IX and carry out the school system's compliance responsibilities, including investigation and followup on any complaints made through the grievance procedures set up by the school administration.

In the absence of a "job description" for Title IX coordinator, it would nevertheless be anticipated that school officials would take considerable care in selecting the coordinator. First, a thorough knowledge of Title IX regulations is basic and essential to the coordinator's effectiveness in the implementation and administration of the Title IX grievance procedure and other related activities of compliance. Administrative skills and interpersonal competence should be expected to have priority when considering a person for this appointment.

In most districts monitored for this report, selection of the Title IX coordinator did not reflect sufficient investigation on the part of the school board and/or superintendent charged with making the appointment. Even a well designed grievance process (which monitors did not encounter in any district) cannot be effective unless administered properly. OCR did not issue guidelines or standards for greivance procedures,

*See Addendum C, for Subpart A, Sections 86.8, 86.9

and has stated that it will not. According to an OCR manual released by that office:
"OCR's concern is only whether (grievance) procedures have been established, not with the form or substance of the procedures."

Monitors in all districts reported that grievance procedures were either absent or inadequate. Under Title IX regulations, any student or employee may submit a complaint or grievance alleging policy, practice or procedure that discriminates on the basis of sex. In the absence of guidelines, students and employees will attain their rights to the grievance process only through the responsible actions of school officials who formulate and facilitate an equitable process to hear and resolve any non-compliance with Title IX's mandate to end sex discrimination in institutions receiving federal funds. However, it is not necessary to use the local school system's grievance procedure before filing a complaint directly with OCR.

Specifics about dissemination of information, notification, Title IX coordinators' appointments, and the grievance procedure are included in the following findings from some districts monitored in the first year of Title IX implementation.

MISSISSIPPI

The Mississippi Department of Education sponsored Title IX area and state workshops during 1975-76, but few districts monitored had taken advantage of this service. By late spring of 1976 when the monitoring was completed in **Franklin County, Miss.,** the district had not begun a self-evaluation and violations were cited in the following areas: the district had taken no steps to inform students, parents and employees of its compliance with Title IX and had issued no notice of the appointment of a Title IX coordinator, making the district more than six months past the October 21, 1975, deadline for notification. A grievance procedure had not been drafted for the district. The Title I coordinator, who denied having been named Title IX coordinator (see above), said he had seen no materials on the law, but the superintendent said that the State Department of Education "had sent some mailings."

The only evidence of Title IX awareness came in statements from three vocational educational teachers who said that students were verbally informed, at registration, that all classes were open to both sexes.

The principal of **Franklin Elementary School** said: "The way I see it, Title IX really doesn't pertain to the elementary schools—not so much as with the senior high schools."

His statement warrants consideration. With OCR refusing to regulate discrimination in textbooks and with little diversity offered in elementary programs (i.e., physical education, athletics) there are few areas besides employment opportunity that Title IX can regulate on this level.

The principal of **Franklin High School,** where Title IX is violated, said to monitors that he did "not care for all of Title IX." Results of the first year of Title IX implementation indicated that few persons in Franklin County knew—or cared—about Title IX.

In **Oxford, Miss.,** monitors reported in April that the district had not published a statement of compliance, adopted a grievance procedure for sex discrimination complaints, or begun a Title IX evaluation. The superintendent said he had "no idea" what Title IX requirements consisted of and said he had not received a copy of the final regulations from HEW until March 31, 1976.

The personnel director for the **Jackson, Miss. Municipal School District,** a woman, was appointed Title IX coordinator, and though the Title IX information dissemination was far from ideal, Jackson had taken some steps toward token compliance. The district had notified students and employees of its intention to comply with Title IX on December 18, 1975, two months after legal deadline. According to monitors, a grievance procedure, though inadequate, had been formulated.

Monitors encountered in their employee interviews many misinterpretations of and misconceptions about guidelines for Title IX, concluding that Title IX briefings by the administration had been minimal. Announcements were published in the Jackson Public School newsletter in May, 1976, stating that the system did not discriminate in either the treatment of students or in its employment procedures, that the district had undertaken a self-study and that a Title IX coordinator had been appointed. The "superintendent's letter," in the same newsletter contained similar information and announced that any question, complaint

or grievance concerning Title IX should be directed to the Title IX coordinator, listing her address and telephone.

The **Starkville, Miss.** school district experience illuminates the dramatic effects of citizen monitoring. When the monitoring project was initiated in early February, 1976, the district had taken no steps toward Title IX compliance and had demonstrated no intent to do so. A school board member interviewed told monitors that the board's attorney had said the district need do nothing about Title IX "until people in the community got wind of it," continuing that the district was taking no steps to inform the community. A teacher said that in 1972 she had been one of several teachers who took a copy of an NEA (National Education Association) journal that contained an article on Title IX to a school official. She asked what Title IX meant for Starkville, and he replied:
"It really doesn't make any difference here. We have our laws and they (the NEA) have their laws."

A diary kept by monitors in Starkville illustrates the day-by-day activities of the monitoring project and the day-by-day responses of officials in the district.

> FEBRUARY 1—Monitors write superintendent requesting to do monitoring survey on Title IX by distributing questionnaires and conducting interviews.
>
> FEBRUARY 19—Monitors meet with designated coordinator to submit project questionnaires for approval.
>
> FEBRUARY 27—Monitors informed that no decision has been reached by school officials on permission to conduct interviews or use questionnaires. School officials request another week to review Title IX questionnaires because the school system's copying machine "had broken down."
>
> FEBRUARY 27—Monitors make decision to pursue the Title IX project with parents and students until permission is granted to interview school system employees. Monitors proceed with these interviews.
>
> MARCH 3—The Starkville School Board in special session meets and establishes a Title IX grievance procedure.
>
> MARCH 4—The Starkville Daily News publishes a Title IX policy statement and a grievance procedure.

In response to the activity of monitors, the school system sent home to parents a statement of intent to comply with Title IX. The only reference to sex discrimination appeared in the 18th line of the notice. There was no explanation of Title IX meaning or application, and the notice stated only that "This policy shall apply to all persons in the Starkville Municipal Separate School District as covered by Title IX regulations and that such persons shall have the right to file written complaint for alleged sex discrimination."

The same notice, published as a legal ad in the local newspaper on March 4, buried the one mention of "sex discrimination" in the 45th line of agate type. It is unlikely that many students, parents or other citizens could comprehend their rights under the law through information disseminated by this school board. The notice failed to contain the name of the Title IX coordinator, his address or telephone number. The second paragraph of the news story on the school board meeting published in the **Starkville Daily News** read:
"The (School) Board (at last night's meeting) adopted a policy statement to comply with Title IX regulations implementing the Education Amendments of 1972 which prohibit sex discrimination. The text of the statement appears in a legal ad in the classified section of today's Starkville Daily News." (March 4, 1976)

However minimal, there was response by the Starkville school board to the monitoring project. However reluctant, some action toward notification of Title IX was taken by the district.

SOUTH CAROLINA

Sumter #2, S.C., developed one of the most comprehensive compliance statements of districts monitored. Although it was not sent home to parents, teachers read the statement to students and posted it on school bulletin boards. The superintendent held a news conference to publicize it in the local media. The statement clearly described Title IX and gave the name and address of the Title IX coordinator.

The district's statement read, in part:
"These regulations prohibit discrimination in virtually every public school system and include Sumter County School District #2. While Title IX specifically requires non-discrimination on the basis of sex, Sumter #2 complies with all civil rights laws by offering equal opportunities for employment. Moreover, the programs and activities of the school system are offered equally to all students without regard to race, color, national origin, religion, age, physical disability, or sex."

It would have improved the statement to explain, in simple language, what Title IX means specifically in the areas of hiring,

promotion, benefits, curriculum selection, extracurricular activities, maternity, scholarships and dress codes. Such information is necessary to make people think in specific terms about what sex discrimination is and how it occurs in their own school districts.

The district's grievance procedure did not carry a single reference to sex discrimination as the basis for Title IX complaints, nor did it state who was eligible to file complaints. The Title IX coordinator, who was to receive all complaints initially in writing, was required to respond only "within a reasonable time" (not specified.) It also did not provide for any appeal procedure beyond the board of education. All procedures should conclude with advice on appeal to OCR or legal action.

Monitors reported that this inadequate grievance procedure was unfortunately used as a model for other school superintendents in the Sumter Congressional district. The Title IX coordinator also advised the director of the PeeDee Education Center, which was furnishing Title IX information to officials within the Congressional district, that advertising the Title IX compliance policy was adequate to meet "the legal requirements concerning dissemination of information." This is not technically accurate, since such advertised notices are unlikely to meet with wide readership. The district's responsibility is to inform all employees, students, and parents about Title IX and the district's grievance process.

"A one-sentence statement of compliance was printed and put into teacher's boxes."

Teacher describing Title IX notification, **Greenville, S.C.**

The Title IX coordinator in **Greenville, S.C.,** told monitors that teachers had been informed of Title IX through workshops and staff meetings. However, none of the teachers interviewed had attended such meetings, and indications were that dissemination of information among staff had been minimal at best. Most said they had been inadequately informed. According to one teacher, "They sent a generally worded statement of intent or practice, but it was a required one and done without substance."

Another teacher said: "A one-sentence statement of compliance was printed and put into teachers' boxes."

In **Sumter #17, S.C.,** monitors reported that teachers interviewed knew virtually nothing about Title IX or how its enforcement might affect them.

The superintendent of **York District #3, Rock Hill, S.C.,** refused to cooperate with the monitoring project, and the Title IX coordinator was difficult to identify. One monitor was directed to a woman, the director of public information. She denied being Title IX coordinator and referred monitors to the personnel director, a man, who said he thought a notice of compliance had been published in the local newspaper, but he was not certain.

"Whenever they (school officials) have something they don't know what to do with, they give it to me."

...Title IX Coordinator,
Rock Hill, S.C.

The coordinator said he had given no thought to the areas which might be covered in a self assessment, should the district feel a need to conduct one, because he had received no sex-discrimination complaints. He continued that there was no need for a grievance procedure.

His design for dissemination of information was that principals were to have informed teachers who were to inform students. No teacher interviewed was aware of any district efforts to meet Title IX compliance.

A monitor said:

"Teachers in this district, both men and women, do not feel free to speak out concerning the school system. I found them for the most part very hesitant to agree to answer our Title IX questionnaires."

ALABAMA

Two districts monitored in Alabama were in violation of the Title IX regulations on dissemination of information and grievance procedures.

When monitoring began in **Auburn, Ala.,** officials had not notified parents or students about the law, had not developed a grievance procedure or begun a self-evaluation. By the end of the monitoring project in late spring, the district still had not taken effective steps to inform parents about Title IX and had adopted a grievance procedure which applied only to employees. The Title IX coordinator said a notice of compliance had gone to the local and student newspapers. The student newspaper article was located. It dealt accurately with Title IX but only in the area of athletics. As in most districts monitored, there was no mention of Title IX on employment applications or in the student handbook.

In **Homewood, Ala.** the district had not appointed a Title IX coordinator, had not developed a grievance procedure, and had not published a notice of compliance. Information about Title IX had been disseminated through student, teacher and parent group meetings. Monitors reported that the district had plans to develop a grievance procedure by May 4. There was no further information given by officials on plans to remove Title IX violations.

ARKANSAS

Russellville, Ark. had apparently met all basic requirements for self-assessment and dissemination of information. The superintendent had appointed a woman as Title IX coordinator, and administrators and counselors were well informed about the law, though students, teachers and non-academic employees were less knowledgeable.

Camden #35, Ark. schools met the requirement for publishing a notice of compliance with Title IX and the name of the coordinator on Nov. 13, 1975, but the compliance notice contained no explanation of Title IX or its coverage. Two teachers interviewed had not heard of Title IX, two others said they had not been adequately informed.

Notices of Title IX compliance were given to all teachers to read to their students in **Harmony Grove District #1, Camden, Ark.,** but none of the students interviewed in grades 1-12 had heard of Title IX. A legal notice appeared in the local newspaper. Interviews with the Title IX coordinator confirmed that there had been no effort to directly inform parents or other employees except through a notice posted in each principal's office and the legal notice in the **Camden News.** The principal of the elementary school said students were being informed through editorials in Scholastic and Weekly Reader magazines.

Fairview District #16, Ark. did not publish a legal notice of compliance and the coordinator's name until Dec. 10. The notice did not explain the ramifications of the law, but had been distributed to parents, students and employees by Oct. 21.

GEORGIA

Worth County, Ga. was in violation of Title IX regulations in the following areas: the district had no Title IX coordinator; no grievance procedure for Title IX complaints had been adopted; and no steps, including the required publication, had been taken to inform students, teachers, employees and the public about Title IX. The superintendent was quoted by monitors as saying that he "felt" the faculty and public were aware of Title IX, but a school board member recently

appointed for a second term on the board of education, was "unfamiliar with the law."

A Title IX coordinator had been appointed in **Valdosta, Ga.** The superintendent said that a grievance procedure had been published in the newspaper and distributed to all personnel. The students seemed reasonably well informed about the law. Most students interviewed were aware that Title IX existed and also knew what it meant, or could mean, to them.

ASSURANCE OF COMPLIANCE

Every application for federal funds from a school system must be accompanied by an assurance of compliance with Title IX.*

This monitoring project in the spring of 1976 did not monitor the requirement that school officials submit an assurance of compliance with Title IX because the Office for Civil Rights had not fulfilled its obligation to "specify the form of the assurance required."

*See Addendum C, Subpart A, 86.4

Only through negotiating a resolution to a federal court case that ordered OCR to enforce civil rights laws, *Adams v. Matthews*, did OCR finally, in the summer of 1976, agree to furnish assurance forms to educational agencies.

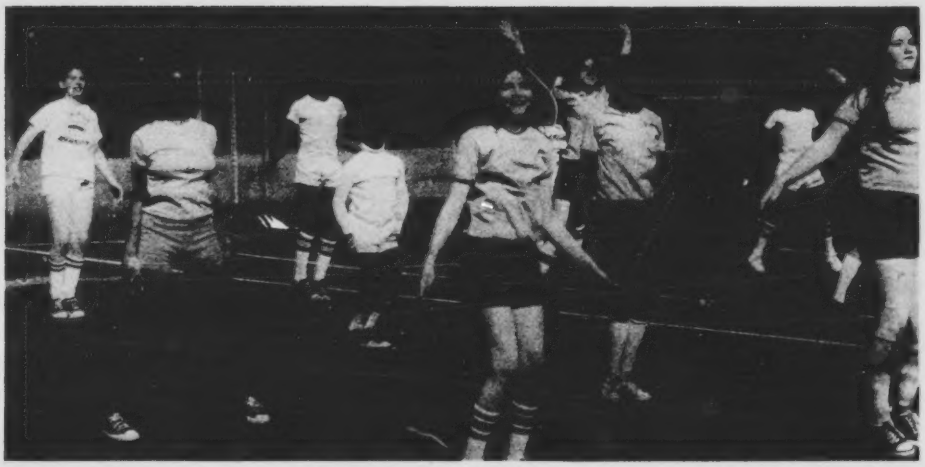
Assurances have been required in 1976-77, and they represent an important legal agreement between the local educational agency and the federal government that the law will be obeyed.

Should a school district fail to include an assurance statement with its applications for funds under the Elementary and Secondary Education Act, Emergency School Aid Act, Vocational Education Act, or any other federally funded program, citizen monitoring groups can use the district's omission as a tool to examine the school system's failure to meet Title IX requirements—and OCR's failure to enforce them.*

*School districts monitored include two single-sex systems in Louisiana (Jefferson Parish and Tangipahoa Parish) and one system in Mississippi (Amite County). Problems in Title IX compliance are unique in these districts, and are treated separately in the chapter, **"Single-Sex Schools."**

2. ACCESS TO COURSE OFFERINGS

"I think tradition is holding back sex-integration in the class. Boys and girls would feel more motivated if they were grouped together."
...PE Teacher, **Oxford, Miss.**



OCR gave school systems adjustment periods to comply fully with the regulation to integrate physical education classes, and indications were that most districts monitored would take full advantage of this time allowance. Elementary schools were allowed up to one year to end sex discrimination in physical education and secondary schools were allowed three years.*

"This is not an automatic waiting period; recipients must comply as expeditiously as possible and may only take advantage of the adjustment period if they can show real barriers to immediate compliance. Active steps toward full compliance must be taken during the adjustment period. The adjustment period may be employed for the following: a. staff training and planning; b. curriculum revision; c. rescheduling; d. renovation of facilities or construction of additional facilities." —OCR Title IX Manual

In **Oxford, Miss.,** the superintendent said he had "no target date" for integrating physical education classes at the secondary level. Of the physical education teachers interviewed in Oxford, one said that boys' and girls' classes could easily be integrated, and another said she would like to teach mixed classes. The majority of female students complained that expectations in PE classes were lower for girls than boys.

The superintendent in **Worth County, Ga.,** reported that his district had no timetable for meeting Title IX requirements for physical education. Two high school PE teachers agreed that there were no plans to begin implementation of integrated classes, blaming lack of interest and desire on the part of faculty, school officials and parents.

In **Jackson, Miss.,** the only district monitored where a full-scale Title IX on-site review had been conducted, it was unlikely that full desegregation would take place in physical education classes before 1978. Only one school in the Jackson district had desegregated PE classes.

An official at OCR, following the Jackson review, emphasized the correlation between race and sex discrimination. He maintained that the strongest resistance to sex integration of physical education programs would come in those schools showing a history of resistance to racial desegregation. He noted that schools with predominant black enrollment had full programs for females while formerly all-white schools had dropped their women's programs with the advent of racial desegregation.

*See Addendum C, Subpart D., Section 86.34

At **Harmony Grove School District #1, Camden, Ark.,** monitors concluded there were no plans to implement the requirement for integrated physical education classes. School officials and students interviewed agreed that classes are segregated, though the superintendent reported that they were integrated. Students said that girls' classes "lack the versatility of activities that boys have," and "not much is expected of girls." A principal said classes would not be integrated "until we get gym equipment."

"Girls can do the same things that boys can."

...Parents of Middle School girl and boy **Starkville, Miss.**

None of the **Starkville, Miss.** schools were in compliance with the regulation to integrate physical education classes.

"I'm not sure of the definition of 'integrated'," the superintendent told monitors.

A PE teacher said that she did not know when the district would be in compliance, and monitors received no information of a timetable to implement the Title IX regulation. Four parents expressed concern that expectations for girls were too low in the Starkville schools. A fourth grade boy said that girls were not allowed to play softball, and junior high girls protested only boys could participate in "the President's physical fitness test."

Monitors concluded that **Greenville, S.C.** will take advantage of the full three years allowed by OCR before integrating physical education classes, but did report this statement from the Title IX coordinator: "Title IX is a new program and will require many changes in curriculum and scheduling. Title IX allows for an adjustment period but does not allow for delaying tactics."

A school board member in **Fairview District #16, Ark.,** reminded monitors that full compliance in PE is not necessary for secondary schools until July 21, 1978. His attitude reflected that of the superintendent who had said the Fairview district would comply with Title IX "the last minute of the last day."

A unique discriminatory practice was found at Captain Shreve High School, **Caddo Parish, La.** Boys' gym suits were provided free of charge and laundered weekly by the school. Girls paid $6.50 for their suits and were required to take them home once a week to launder.

"Girls are thought to be tender and delicate."

"Girls are not as strong and fit as boys."

...Male Students, **Camden District #35, Ark.**

The principal of **Camden High School, #35, Ark.,** maintained that female students segregate themselves in physical education course offerings. His rationale was apparently based on the female students' choice of PE courses during registration. A followup by monitors revealed that the list of course offerings distributed in April, 1976, from which students selected fall classes, listed separate boys' and girls' PE courses, with such course titles as "Girls' Gymnastics" and "Girls' Athletics." It is understandable that females chose the only courses that were available to them at the time of registration, but the principal insisted that "We feel we are in compliance because they have the choice." The Camden district policy constituted a possible Title IX violation at the time of monitoring in late spring, 1976.

Productive results of the Title IX monitoring project were reported for 1976-77 by the director of the project in **Auburn, Ala.** In late spring of 1976, physical education classes were segregated and unequal. An elementary principal said boys and girls were segregated for "ease of handling" and that he knew of no plans to integrate PE classes. However, later in the monitoring process, he told the monitor he wanted to know what was expected of principals in regard to Title IX. For example: "Was his school in violation on physical education?" A junior high PE teacher who had not heard of Title IX until late February (through monitors) said the transition to integrated classes had been delayed because they "just hadn't gotten around to it." Girls interviewed said boys had better PE instruction and explained that the balls and bats were always kept in the boys' locker room.

Monitors in Auburn provided awareness of the law to the school system and the result was a sincere effort toward Title IX

compliance. On January 18, 1977, the director of the monitoring project in Auburn reported:
"I would like to update our report by noting the following events which we feel relevant to the school's progress in complying with the Title IX guidelines.

"Coed physical education is now a reality in all schools. My own daughter, in her freshman year of high school, took Weight Training the first nine weeks and is now in coed volley ball. This was the first year Weight Training was available to girls. Apparently both boys and girls have a choice between coed and same-sex participation. Incidentally, my daughter made her first "A" in PE—in Weight Training."

In **Sumter #17, S.C.,** there was no evidence found during monitoring that the district was making any plans to desegregate physical education classes. Classes were also segregated in **Sumter #2, S.C.** Officials told monitors that PE classes were the only courses in the system not open to all students. They insisted, however, that courses for boys and girls are "equal."

Although some courses in **York #3, Rock Hill, S.C.,** were coed, others were segregated, with girls offered square dancing and rhythmic gymnastics with boys' courses available in wrestling and weight training. Indications noted by monitors were that the boys' program put emphasis on strength building, the girls' on improvement of appearance and social graces. The course catalog specifically listed some separate physical education programs for girls and boys.

The principal of **Daniel High School, Pickens County, S.C.,** anticipated that classes in physical education would be integrated in 1976-77, citing "the lack of publicity and delay in final Title IX regulations."

A school board member in the same district said:
"At Daniel, boys' PE hasn't been closed to girls but none have signed up. We'll have arena registration where students can select teachers they want and girls may all end up in one course. We're trying to get a legal opinion on that, but it's hard before the fact. No one knows the law before court cases come up.
"We've got to have problems to keep HEW in business."

In **Russellville, Ark.,** girls were permitted participation in a course and then subjected to discrimination. The physical education department offered both sexes safety instruction for hunting, but only the boys' PE class was permitted the final test that led to procuring a hunting and fishing license. The young women, having completed the prerequisite instruction, were denied the test and subsequently the license. Monitors concluded the Russellville plan was a good example of the traditional assumption that "women aren't really interested in doing the things that men do."

VOCATIONAL EDUCATION, COUNSELING, EMPLOYMENT ASSISTANCE

Vocational schools are prohibited, under Title IX, from discrimination in admission on the basis of sex, applying quotas, or using tests which have a disproportionately adverse effect on persons of one sex. Also remedial and affirmative action is required under Title IX, including recruitment of members of a sex previously denied certain vocational programs.

In counseling, school systems must not discriminate on the basis of sex and must develop and use internal procedures to insure tests and procedures that eliminate sex bias.

When a school system makes available outside employment for students, such employment must be made available without discrimination on the basis of sex and services cannot be offered any employer or potential employer which specifies males or females for particular jobs.*

There were separate vocational educational schools in a minimum of districts monitored. Most districts included vocational education courses as electives under the general secondary curriculum and listed them in the catalog of course offerings with other curriculum information. Also, counseling, guidance and testing play an integral part in determining the availability of courses offered students and subsequently assessing whether sex discrimination exists.

Employment assistance to students is dependent upon courses available to them as prerequisites for employment and upon guidance, testing, and counseling.

*See Addendum C, Subpart D., Sections 86.35. 86.36, 86.38.

Therefore, these areas are compatible in analyzing Title IX compliance and are treated together in this chapter.

When a separate vocational education school exists that is operated by the school system, or a career center, or a separate catalog is published for vocational education, these are noted in the text.

"The real discrimination is in the mouths of teachers..."

...Female Elementary School Teacher, **Russellville, Ark.**

The need for affirmative and remedial action in vocational education to overcome the effects of past discrimination was apparent in all districts monitored. Most districts have a nominally open vocational education program (students theoretically can choose any course they want), but few elect subjects in fields non-traditional for their sex. Past practices call for examination in determining why many students continue to elect traditional courses. Few counselors were taking remedial steps to overcome past discrimination and encourage students to explore new areas.

When school systems maintained that students were free to take any course they wanted, an examination of catalogs revealed the usage of female and male pronouns to describe traditionally female and male courses. Illustrations in brochures often prejudiced the attention of one sex over the other.

An elementary school teacher interviewed by monitors in **Russellville, Ark.,** asserted that change could come from teacher and counselor attitudes. She said: "I feel a need for hiring male and female counselors at the elementary school level who are aware of nuances of sex discrimination in our culture...and will work as arbitrator to bring about change. The real discrimination is in the mouths of teachers."

In **Sumter #17, S.C.,** there is a Career Center where juniors and seniors may take vocational courses. The Information Bulletin issued to students for the 1976-77 school year does not carry the required statement of compliance with Title IX, an obvious violation. The bulletin does state, in the section describing the Career

Center, that "All courses are open to boys and girls."

In the bulletin's section on Home Economics, the following appears:
"We are encouraging young men as well as young women to take advantage of the opportunities offered in Home Economics Education courses."

However, there is no similar statement encouraging girls to take Industrial Arts courses, and other opportunities to specifically invite girls to explore non-traditional fields seemed deliberately bypassed.

"The curriculum was too difficult for a female student."

...High School Student, **Starkville, Miss.**

It was interesting to monitors to discern a trend among some districts to encourage young men, more than young women, to enter non-traditional fields.

Vocational education teachers in **Sumter #17, S.C.,** said there had been some increase in interest among students for non-traditional courses. As an example, they cited Consumer Home Economics: "Single Living, traditionally all-male, was dropped, and Consumer Home Economics was added for males and females. Consumer Home Economics used to be all-girls, but now it is a very popular male and female course."

According to the vocational director, two males had applied for Office Occupations but did not qualify because they had not taken the prerequisite course, one year of typing. Thus, where students have been discriminated against in the past, future discrimination is often built in. A student reaching his or her senior year may find it too late to take advantage of opportunities opened by late district compliance with Title IX. Office Occupations, offered only to seniors, had seven male registrants out of 139 enrolled in 1975-76. In the school bulletin, while sex is not stressed verbally, it is illustrated by a photograph of two female students operating a business machine.

In **Starkville, Miss.,** where vocational classes are segregated along traditional sex-stereotyped lines, there was a vocational education catalog (published in 1971 but still in use) which not only carried specific sex references for some courses but also was illustrated with cartoon figures indicating the sex expected to enroll in each course.

A high school student in Starkville said that during the 1974-75 school year she had been interested in becoming a lawyer. Her counselor advised her that "the curriculum was too difficult for a female student." The young woman is now taking a general course, unable to decide where her career interests lie.

ARKANSAS

The Area Vocational Career Center, **Russellville, Ark.,** serves nine school districts. Students are assigned to the career center for all mechanics courses. Monitors interviewed the director of the center, who said that two courses—Auto Mechanics and Welding—were all male. In Machine Trades, there were 45 boys and one girl. There were 9 girls enrolled in Industrial Exploration, and in Horticulture, a traditionally male field there, the class was approximately 50 percent female in 1976.

"Demand has increased, which means we are more *selective* in admitting students."

He said that because enrollment is limited, "potential students have to convince counselors they intend to go to work in the field they want to study."

The career center had not participated in any Title IX self-evaluation program, and no indication was made by the director or the career education director that efforts were being made to assess the program to determine whether sex discrimination exists, nor were there plans for remedial action to overcome results of past discrimination.

The center director reported that no interest tests were administered but that plans were being developed for a "screening program."

The career education director confirmed his statement by reporting plans for an "application with questions that reflect seriousness of intent."

"We try to make students aware that it is acceptable to cross traditional role boundaries. We try to show the student that there is nothing sissy about cooking."

...Counselor,
Russellville, Ark., Jr. High School

Meetings were held in **Russellville, Ark.** in the junior high and high schools to discuss Title IX legislation and implementation of guidelines.
"Now that we have all this in mind, we counsel more toward Title IX," a junior high counselor told monitors. This school in 1976 offered a vocational course for girls in Auto Mechanics, but a counselor said boys and girls would not be segregated in this course in 1977.

The Career Maturity Inventory Test is administered to all students in Social Studies and Civics. Although the test does not have separate forms for males and females, one counselor answered yes when asked if the test limited responses to sex-traditional careers. Another counselor said she thought it was a good test but "slightly shady" as far as career classification is concerned.

The Russellville schools administer a more standardized test, the Kuder General Interest Test (form E) to seventh-grade science students.*

"It would seem there are still some problems with this one, much being dependent on instructions given by the test administrator."
OCR Title IX Manual

One counselor reported that the Kuder profile is different for males and females because the test is designed and normed separately for sex. Another counselor said the test was discussed at a meeting of counselors and administrators "to see if it was sexually biased."

"It was decided that since it was used in assessing student interest rather than vocational planning, its use was not detrimental," she said. Neither did she say the test was helpful to students or counselors.

Monitors gave counselors a hypothetical case of a female student who wanted to take Auto Mechanics or a similarly traditional male course and were asked whether it would be recommended to her: "If she were sincere in her interest, and had the ability to pursue it, I would encourage her," one counselor said.

Another said: "I would point out to her that she would have more difficulty, but I would not try to persuade her to change."

Although Russellville guidance counselors appeared more aware than those in many districts of their mandate to meet Title IX guidelines, their responses indicate that a female student must pass special tests of "sincerity" and "ability" to obtain her rights under the law.

The principal of the middle school said: "Stitchery and Home Economics are open to boys as well as girls but very few boys elect these subjects. Audio-visual Equipment is open to girls as well as boys, but few girls elect this subject. Therefore, these subjects are not segregated but remain predominantly of one sex."

Students told monitors that one of their female classmates was advised by a teacher not to take Audio-visuals because it was for boys. They said she took it anyway.

Students who had taken the Kuder Test felt it accurately represented their interests, but all said it had no influence on their educational or career plans.

Guidance counselors at Russellville High held three workshops on Title IX during the first year of implementation, and though problems in compliance still existed, these counselors had made progress in understanding guidelines and the need to introduce students to non-traditional occupations.

However, a counselor told monitors that, if asked by a business specifically to recommend a male or a female for a job, he would comply. The vocational education director concurred.

The vocational education program at the high school offers a number of programs through which students work part-time, ie: Distributive Education (selling, marketing,) Cooperative Office Education (secretarial,) Coordinated Career Education (ranging from janitorial to distributive) and Vocational Education, (mechanics, electronics.)

The director of vocational education said that he had not been successful in placing girls in non-traditional fields in community jobs. He noted that he had not seen girls in management training at discount stores. He said he thought a black female applicant had been given preference over a white female drafting

*See Addendum D, for a list of vocational Interest Tests commonly in use, with analyses of their discriminatory problems.

student for one job. As in other Russellville schools, testing results were of mininum significance to students. Their influence on teachers and counselors could of course affect guidance and, therefore, student opportunity.

Though as previously noted, the Kuder was given to middle school students, the Title IX coordinator (who is also the designated Career Education Director) said vocational interest inventories that were sex biased had been eliminated and instruments that were "relatively free of sex bias" had been adopted.

She also said: "All career education activities are geared toward correcting sex-stereotyped job ideas. Resource people include such non-traditional people as a woman barber and a male cosmetologist."

Though she said that she personally would not refer a student on the basis of a request by sex from an employer, she said that the school had not been successful in placing students in non-traditional fields.

"This area is opening up, however, as students and employers are educated."

"I hope they (women) don't use it (Title IX) antagonistically to get even with the world."

...Director, Coordinated Career Education, **Russellville, Ark.**

The Coordinated Career Education program at Russellville is, according to the director interviewed, a program for disadvantaged students "physically, mentally, economically, emotionally." Students apply for entry and are admitted on the basis of Arkansas state criteria of "disadvantaged."

"The qualifications are very general," he said, "including neglected, delinquent, disinterested, negative, passive, economically deprived, etc."

A committee consisting of the principal, counselors and teachers selects participants, and the director said more students apply or are referred than can be accommodated.

He said the program makes no attempt to introduce non-sex-stereotyped jobs. Texts used in the program "are mostly very general and for the most part give a traditional viewpoint."

As part of the program, students are employed part-time both in the school and in the community, both in private businesses and in public agencies. According to the director, the criteria for placement is based on occupational objective, not sex, and there is no attempt to influence employers to avoid discrimination in hiring and employment practices.

"If an employer specifies an opening by sex, we try to get him what he wants."

Students in the CCE program are required to take vocational interest inventories which are used for counseling and "self-analysis." The test administered is the Self-Analysis Manual Education Projections (covering English, mathematics and mechanical aptitude.)

The director said: "The only bias would be in role-playing and value structure. As I see it, some roles are more naturally adaptable to females, or vice versa."

The CCE program is in Title IX violation in job placement, testing and counseling. This report associates the flagrant violations with the attitude of the director and his apparent inability to comprehend the meaning of civil rights laws. The director voluntarily illustrated his attitude with this comment:

"I hope the women can do more with their new-found freedom and recognition than those who describe themselves as 'blacks' have done. By that, I mean I hope they don't use it antagonistically to get even with the world."

In **Fairview School District #16, Ark.,** where the superintendent discouraged his employees from cooperating with the monitoring project, an afternoon interview was granted with a male counselor. The following day would have been too late, since the counselor resigned his position on the evening following the interview.

Instead of providing affirmative and remedial action to eliminate sex stereotyping in course offerings, students at Fairview were required to show serious intent before being admitted to certain vocational courses. According to the counselor, the school system had never had a formal policy restricting vocational education courses by sex, but two students cited change resulting from Title IX: the opening of classes "like shop and home ec. to both sexes."

Although all courses are now said to be open to both sexes, the counselor said that students generally segregate them-

selves into traditional vocational areas and that those enrolling in the half-day vocational education program are subjected to "an interview as to serious interest." Those who show they can best benefit from the course are accepted, he explained.

Females were represented in all vocational education classes except Auto Mechanics. In Vocational Agriculture, where it was stressed by both the counselor and students that evidence of serious intent toward agriculture as a profession must be demonstrated, there were seven female students out of a total of 165 enrolled.

He said no effort is made by counselors to influence students "either way" in the selection of non-traditional courses or careers.

"Each girl is expected to have material, pattern, scissors, pins, etc."

...Student Handbook Home Ec Description, **Harmony Grove #1, Ark.**

Gender-specific references to students in the student handbook course offering list in **Harmony Grove #1, Ark.,** are not numerous, but when they do occur, they are specific. The handbook's description of American Government:

"A special effort is made to prepare the student for an active role in *his* government at the State and local level in Arkansas."*

The course description for Home Economics constitutes a Title IX violation:

"The student must take Home Economics I before she can enroll in Home Economics II... Each *girl* is expected to have material, pattern, scissors, pins, etc."

There were five home economics classes in the district with no male students enrolled.

"Career Orientation" is required of eighth grade students, according to the handbook. The 15 career classifications include several which indicate they are for one sex only: poultryman, salesman, door-to-door salesman, draftsman, fisherman, maid, waitress, and Boy Scout director (with no mention of Girl Scout director.) In a puzzling change of attitude, the handbook mentions a course of study in how to be a "ticket salesperson."

The director of career education said that the student handbook "does not say that any classes are restricted because of sex." There is also no statement that classes are open to members of both sexes, as required by Title IX. This handbook was used by students undergoing mandatory pre-registration in the spring of 1976 for courses beginning in the fall of the second year of Title IX enforcement, putting the district in violation of Title IX.

Officials pointed to the presence of one female in the five shop and agriculture classes as evidence there was no sex discrimination. Two groups of secondary students who were interviewed independently reported that the lone female agriculture student was required to write a paper explaining why she wanted to take the course. Boys were registered without question.

The principal of the school said that his self-evaluation had shown "no major problems" in Title IX compliance.

"We have a program set up to benefit all students," he said. "If we are not in compliance, it is due to the choices of the students and teachers."

A female guidance counselor said she personally supplied female students with special material on new career opportunities for women:

"Women are now allowed to enter fields after high school that they previously couldn't. Because of this, they should be able to take courses in high school that will help them to prepare for those careers."

"If you want to take a course that normally your sex does not take, then questions are asked because they want to know for sure if you are interested in this course or just goofing off."

...Female Student, **Camden #35, Ark.**

A number of vocational interest surveys are offered in the **Camden #35, Ark.** schools, including the Kuder General Interest Survey and one of the two Strong surveys.*

All students interviewed had taken some kind of vocational interest test, and one

*NOTE: Unless otherwise indicated, emphasis in this report is edited.

*See Addendum D.

student, unique in the survey, was found who expressed enthusiasm about her test results. She said the test showed that she would make a good counselor and she planned on that profession because of the test results. She added: "I do believe if I had been of the opposite sex, my options would be different for a career."

Both Strong survey tests contain sex bias, according to research.*

The school superintendent in **Camden #35,** asked what the district was doing to eliminate sex bias in testing and counseling, said the question "did not apply."

Interviews showed little evidence that counselors feel a responsibility to pioneer new attitudes among either students or employers.

Senior high school students take courses at the Camden Vocational Center, and there is a catalog for the center. Under "Entrance Requirements," the catalog stated:

"Senior *boys and girls* who are sincerely interested in health services as a future occupation and who show an aptitude for it are eligible, subject to approval of the home high school."

The emphasis was theirs, and Health Services was the only course offering for which sex was noted. Other courses offered at the center, all in traditionally male fields, describe participants with the "universal" masculine pronoun except when occasionally "person" is used. The job description under Building Trades reads: **"If self-employed, a part of his job may be to supervise men working under him..."**

All courses at the vocational center carry a statement of entrance requirements to the effect: "This course is open to junior and senior students who show a sincere interest and aptitude for this field as a wage-earning occupation. Approval of the home high school counselor is required."

An implied framework is here for classic discrimination. A student must show aptitude for the course, but discriminatory aptitude tests are given in the district. She or he must show "sincere interest" in the field as a wage-earning occupation, but a counselor interviewed said women will have a difficult time entering fields like auto mechanics. The question needs asking: will this counselor approve a girl for the course if it is crowded and the counselor has an alternative of appointing males with an easier entry into the field?

The Center's catalog states:

"Camden Vocational Center reserves the right to admit students on the basis of their ability to profit from a particular type of training and the availability of facilities and faculty. No student will be accepted unless he has a reasonable

*See Addendum D

opportunity of achieving success in a training program."

This report finds that this kind of policy has been used traditionally by schools to exclude females, regarded as having small chance of success in traditionally male fields.

A female student said: "If you take a course that normally your sex does not take, then questions are asked because they want to know for sure if you are interested or just goofing off."

Officials, rather than using the term "goofing off," substitute language like "if she is qualified." Boys' qualifications in most districts, like Camden, are not immediately suspect. *The trend, is to place a greater burden of proof, in interest and ability, on those who stray from the traditional path. This acts as a barrier for all but the most self-assured males and females.* Little encouragement was shown in Camden, and other areas, for the student or teacher who seeks to test her or his abilities in a new area.

"Only tradition has caused the prior situation...(sex-segregated classes)...which I do not consider sex discrimination."

...Consultant, **Greenville, S.C.**

SOUTH CAROLINA

Students in **Greenville, S.C.** are offered the Career Placement Profile on a voluntary basis. The district consultant for accreditation and planning said the test has a single form and does not limit responses to traditional male-female roles:

"It is both an aptitude and interest inventory and is used in counseling students for both educational program planning and career planning."

As in other districts, many counselors tend to follow, rather than lead students. Asked if the district provided materials which would help introduce students to widening opportunities for both sexes in non-traditional occupations, the consultant replied, "No. Females are placed in any courses of their choice with only information relating to the career aspects—not according to sex."

In 1976, there were 11 vocational education areas which still enrolled only males or only females: agricultural production, agricultural mechanics, child care services, air conditioning and refrigeration, auto body repair, cosmetology, electricity, masonry, plumbing, sheet metal and welding. Districtwide, these subjects represented 56 single sex classrooms. In addition, there were 146 classes in 22 other vocational subjects which were sex-segregated, though other classes in the same courses of study were integrated. The Greenville, S.C., career education consultant gave the following examples of female enrollment in traditionally male areas: 192 in prevocational (there were 18 all-male prevocational classes, one all-female class); 77 in agriculture, two in building construction, 16 in drafting, 22 in diversified occupations, 30 in graphic communications, 11 in textiles, six in tile setting.

"A decided change has taken place in recent years in that more females are enrolled in courses traditionally thought as male courses and vice versa," he said. "Only tradition has caused the prior situation—which I do not consider sex discrimination."

However, the consultant admitted that, in cases where an excess demand exists for a particular course, enrollment is limited by counselors to students who convince them of their interest through grades, conferences with parents and aptitude tests, *past attendance* and *prior courses.* This report concludes that if a senior high school student has not had access to prerequisites or introductory courses in the past, that student's ability to prove "interest" would be severely limited.

Although the consultant maintained that the district had never had a policy limiting courses to one sex, a middle school counselor said in the year of monitoring that home ec and shop courses were segregated by sex in the seventh grade. The results of that segregation would program students for certain vocational areas of ability and interest, putting girls at a disadvantage in counseling for mechanical courses, boys at a disadvantage in counseling for home-making courses. As in many districts, there is a need for affirmative action in vocational education to overcome the effects of past discrimination.

The **Greenville, S.C.** district's schools have programs through which students work part-time in local businesses for

"We educate them (employers) regarding Title IX and equal employment responsibilities. If they refuse, we do not place students there."

...Career Education Consultant,
Greenville, S.C.

credit. The career education consultant gave positive responses to monitors about these programs, indicating an aggressive attitude to comply with Title IX regulations regarding financial assistance and employment opportunity for students.

He said that if a business made a request for an employee by sex, he would request reasons for that limitation.

"If we have students of the other sex interested and available, we negotiate," he said.

Teachers assigned to non-traditional vocational areas were found in Greenville: three men taught Office Occupations, one woman taught Prevocational, and one woman taught Ornamental Horticulture. The consultant said he and other school officials would like to see more females in trade and industry-related classes, more males in the areas of office occupations.

In **Sumter #17, S.C.,** guidance counselors at the two senior high school campuses administer three occupational interest surveys: the Career Planning Program, the Strong-Campbell Interest Inventory and the Kuder Occupational Interest Survey.* Though a guidance counselor said that, as a result of self-assessment in her department, sex-biased interest inventories had been eliminated, OCR has determined that the Strong-Campbell test "eliminates most but not all" sex bias problems.*

The Kuder supplies scores for both sexes normed on both male and female occupational scales, and according to OCR "...all but a few of the occupational titles are not gender-linked.* The tests are administered voluntarily at Sumter.

As in most districts, students were indifferent to the tests and scores, though one student interviewed said the test had backed up her belief that she was suited to a career in social work. The quality and extent of testing impact upon teachers and counselors is more difficult to establish but is the area of testing that most affects students in their rights under Title IX.

Shop classes in the middle schools of Sumter #17 were apparently open to both sexes, but indications were that students were not encouraged to enroll in non-traditional courses. A Bates Middle School student in Sumter #17 said: "In shop they wanted the girls to let the boys sign up first."

The parent of a seventh-grade girl told monitors that her daughter had hesitated to enter shop since the class contained all boys, and another parent said her eighth grade daughter had taken shop by choice—"but not because she received any encouragement from officials."

High school vocational teachers said that in the past there had been an unwritten policy of prohibiting students certain courses on the basis of sex.

"Sometimes, if a girl wants to take a course in shop, she is told that she may not be happy because the main body of students in the course are boys."

...Sophomore girl,
Sumter High School, S.C.

Juniors and seniors in Sumter #17, S.C. take vocational education courses at the Career Center, and though the catalog stated that all courses were open to boys and girls (no Title IX compliance statement was included) at least one program at the high school was still segregated, according to the catalog for 1976-77:
"Girls desiring training as nursery school assistants through the two-year course in child care offered by the Home Economics Department must make application and obtain the approval of the instructor. Enrollment is limited."

Teachers gave the following examples of Home Economics course enrollments in 1976-77: Clothing Instruction II, 45 females; Family Life Education, 13 males, 30 females; Single Living, 8 females, 27 males; Child Development, 30 females; Basic Child Development, 47 females; Advanced Foods and Nutrition, 29 females, 19 males; Basic Foods and Nutrition, 17 females, 4 males; Consumer Education, 13 males, 15 females.

*See Addendum D

*Ibid.

These and the following statistics indicate that males are finding it easier to cross traditional boundaries than females in this district. In the traditionally male areas of vocational education, a number of fields were all-male, including air conditioning and refrigeration, welding, building construction, masonry, electricity, auto body repair and agricultural mechanics.

The Director of Vocation and Career Guidance said that Food Service and Graphic Communications were "about evenly divided" between the sexes and there was one woman in Auto Mechanics. He reported that more females are now applying for these traditionally male fields of study and were being admitted at a higher percentage rate than males. His example was that three females had applied for auto body repair and all were admitted (a 100 per cent rate) while 60 boys applied and only 21 (or 30 per cent) were admitted. The class was limited to 24 students.

Vocational courses are illustrated in the school catalog with males pictured in traditionally male roles. The only illustrations showing females are in a photograph of two women operating business machines, another serving food. Use of these sex-stereotyped illustrations indicates a Title IX violation.

The vocational guidance director said the school had not participated in a formal self-evaluation but that he knew of no sex-discrimination at the career center. Title IX compliance would require, at the least, the removal of sex-stereotyped illustrations in the school catalog, a statement of intent to comply with Title IX with an explanation of students' rights under the law. With evidence that females have been excluded from numerous vocational education courses earlier in their school careers, remedial action should be required for compliance.

The director said the career center is oriented toward dropout prevention. Enrollment figures show 373 males, 133 females. Guidance counselors, asked by monitors how they handled requests from businesses who requested students by specific sex for jobs, replied:
"The number of requests is quite limited. Therefore, for the benefit of the students, so that we can place as many as possible, we honor the requests."

In **York #3, Rock Hill, S.C.** high school students take vocational education courses at the Career Development Center, but the course offerings are listed in the secondary school catalog. A notation in the career section of the catalog states: "Enrollment in all programs is open to both males and females." A two-part course is listed as Bachelor Living and is a Title IX violation:
"This course introduces the areas of food preparation, grooming and clothing selection and care as they apply to the single man."

A brochure describing the office occupations program at the Career Center showed only females engaged in office work.

"The name of our course in 'Bachelor Living' will be changed to a more suitable one."
...Teacher, **Homewood, Ala.**

ALABAMA

There was the usual spate of segregated classes in **Homewood, Ala.** Electronics and Mechanical drawing for males, Home Economics for females. Two courses were obviously single-sex designed: Bachelor Living and Girls' Choir. A guidance counselor told monitors that though Home Economics and Industrial Arts were single-sex, counselors were encouraging their combination through team teaching.

A woman guidance counselor at Homewood Junior High told monitors: "I feel that females are patterned by society—the media, attitudes of parents, schools and most of their environmental stimuli—to the age old female role of wife and mother. However, the average young woman spends a great deal of her energies planning for a wedding day and not for her life afterwards. We should take heed of this problem on a full scale and begin to change this patterning to a more positive education on life and living."

Guidance counselors at both the high school and junior high levels said they encouraged girls to examine non-traditional careers, including "utilization of job opportunity statistics for women, showing where most needs are, and working through the English depart-

ment on required assignments concerning career fields."

Paradoxically, the Title IX coordinator and incoming superintendent, who had told monitors that "Title IX was 50 years too late," stated there would be no changes at Homewood in elective segregated classes and/or in vocational education courses.

"We're stuck with tests and texts that may be biased."

...School Board President, **Auburn, Ala.**

Students in **Auburn, Ala.,** are exposed on a mandatory basis to three interest surveys: the Career Assessment Inventory, the California Occupational Preference System, and one of the Kuder tests. It was not made clear to monitors whether students were required to take the Kuder Occupational Interest Survey or the Kuder General Interest Survey, though it was probably the latter, since it was administered on the junior high level.*

Counselors and the superintendent noted that the Kuder was scored on different norms for males and females but felt that all sex discriminatory results were effectively eliminated through the counselor's interpretation of test results.* Only one student who had taken the Kuder said she was influenced by its projections and that it had affected her plans for an education and a career.

Many classes were sex-segregated in 1975-76 in Auburn. The principal of Auburn High said all vocational agriculture classes, three sections of home economics, two sections of business office education, one shorthand class and a course in cosmetology in the rehabilitation (special education) program were single-sex. A cooperative program for students seeking job training in clerical and stenographic careers had only one male out of 60 students registered for the 1976-77 school session. This could indicate that only females were encouraged to participate in this clerical job training program, because the school's typing classes have a 50 per cent male enrollment.

A junior high counselor said "very little" was being done to inform students that courses were open to both sexes, that girls were neither encouraged nor discouraged from taking shop courses. She did say females were sometimes prohibited from taking shop "because of scheduling in the central office." She also said that boys were more interested in career counseling than girls.

Since "Bachelor Living" had been title changed to "Apartment Living," registration for the course in 1976-77 achieved "an equitable balance between the sexes," according to another counselor.

Monitors could receive little information about the rehabilitation program for special education students, but a vocational education teacher said the courses were segregated "pretty much by sex." There were speakers during the school year—a post office worker, a banker and a secretary. Only the secretary was female. The director of the co-op program said there were 23 girls placed in community jobs in 1975-76, all in traditional women's positions.

However, a vocational education teacher told monitors that on two occasions potential employers asked for "stock boys to make deliveries and refused the school's offer of a strong girl." It was not clear from the interview whether the school cooperated with the employer and furnished males, but the grocers were described "potential employers."

A situation existed in Auburn that was not reported in other districts monitored. At two schools, Boykin and Dean Road Elementary, ability grouping of reading classes resulted in segregation, or near-segregation, by sex.

"The one-sex domination is coincidental," the Dean Road Elementary principal said. "Children are grouped according to reading ability and it so happens that one group is mainly boys."

MISSISSIPPI

Statistics prove the critical importance of equal educational opportunity in places like **Starkville, Miss.** In Oktibbeha County, where Starkville is the county seat, 41.6 per cent of the women over 16 are employed (.2 of one percent more than the national average.) The statistic is more significant when shown that only 59.1 per cent of the male population over 16 is employed. Women hold 38 per cent of the jobs in Oktibbeha County.

The median income in Oktibbeha County is $5,878 (compared to the

*See Addendum D.

*Ibid.

"Some Title IX issues are irrelevant, in general."
...Parent, **Starkville, Miss.**

national median of $11,116.) Considering that female-headed households usually have half the median income of male-dominated households, the picture is bleak for many women and their families.

Equality of opportunity is not "irrelevant," and particularly not in Oktibbeha County where evidence persisted that females had not been allowed to take vocational and professionally oriented curricula in the public schools that would lead to more lucrative jobs.

During late spring monitoring in 1976, classes were segregated along traditional lines in the **Starkville, Miss.** school system. Classes in industrial arts, auto mechanics, electronics and carpentry, all leading to lucrative job opportunity, showed all male enrollment at Starkville High. Shorthand was all female. Separate classes for males and females existed in home economics.

The vocational education catalog was illustrated with male cartoon figures using hammers and wrenches, T-squares, vises and electrical devices in separate sections describing courses in auto mechanics, building trades, industrial drafting, industrial electricity and metal trades. Female caricatures typed and rolled dough to represent the sections on Business and Office Occupations and Gainful Home Economics.

In **Jackson, Miss.** the principal of Blackburn Junior High said the vocational education classes were segregated because home economics "had an image of being only for girls" and industrial arts had a similar image for boys. However, in the seventh grade, students were required to take nine weeks each of home economics, industrial arts, music and art. Eighth graders could take any or none of the four. In this category, Jackson schools were more progressive than many districts monitored.

An occupational orientation instructor at Hardy Junior High in Jackson said all professional persons in the community who participated in the school's career education program were men.

There was no evidence of affirmative or remedial action in vocational education in Jackson. Counselors interviewed were found to follow students' interests, often traditional, rather than attempting to expand their interests.

Monitors asked a Brinkley Junior High counselor in Jackson if she encouraged girls to pursue the highest paying occupations for which they might qualify. The counselor replied that when counseling students, she puts the emphasis on what *they like to do.* The director of vocational education outlined

a career education program in which a "resource person" is employed in six schools to provide occupational information to interested students, organize for speakers, plan field trips. The director said: "The resource person works with individuals who are interested in a specific occupation. The choice is up to the individual."

If the purpose of an educational institution is to instruct and inform, this flexibility of "individual interest" could, in the opinion of monitors living and working in the Jackson area, seriously limit the educational opportunities and future careers of students who are attempting to cope with a history of sex discrimination and lack of opportunity. Affirmative and remedial action in the counseling of students in the Jackson Municipal Separate School District is a recommendation of this report.

"The school system pays on a competitive basis with industry, and men are paid more in their fields."

...Principal, Technical School, **Oxford, Miss.**

Oxford, Miss., like most districts monitored, has a nominally open vocational education program. Students theoretically can elect the course they want, but few choose subjects in fields non-traditional for their sex.

High school students in Oxford take vocational courses at the Oxford-Lafayette Business and Industrial Complex. Courses in metal trades, building trades and agricultural mechanics are all male, and courses in child care and business arts are predominantly female. The school principal said that since 1973 two girls had enrolled in auto mechanics.

All junior high students, male and female, take shop in the seventh grade, although the classes are sex-segregated. One female student found her class "insignificant." She also said that shop is not required for girls at the eighth grade level and girls who elect to enroll are made to feel "uncomfortable about it."

A high school teacher described the course in "Bachelor Living for Guys" as a recent innovation "to make home economics more acceptable to the boys."

The principal of the technical school in **Oxford, Miss.** said that female vocational education teachers are paid lower salaries then males "because the school system pays on a competitive basis with industry, and men are paid more..."

The director of vocational education in **Franklin County, Miss.,** said the district had an "understood" policy of prohibiting students from taking non-traditional occupational courses. Monitors reported that a black senior girl had not been allowed to take Agriculture.

No notice had been published of compliance with Title IX relating to availability, regardless of sex, in vocational education courses, but the vocational education director and two teachers interviewed told monitors that all courses are now open and that students were informed at registration that they were allowed to enroll in the courses of their choice. Monitors reported that enrollment figures show women students limited vocationally to home economics and business and office machines, with men enrolled in auto mechanics, building trades, metal trades and agriculture.

Thirty-one girls designated potential dropouts were enrolled in "Occupational Home Economics." Male potential dropouts are enrolled in a wide range of occupational courses, all those cited above for male vocational interests.

The **Franklin County, Miss.,** high school informally aids in placement of students in jobs through teacher and counselor recommendations. The vocational education director and two vocational teachers, asked by monitors what they would do if a business person specified a particular sex for a job, replied they "would comply with the request."

GEORGIA

No students in the **Valdosta, Ga.,** school system were encouraged to take non-traditional courses, with the exception of encouraging boys to enroll in home economics. A female student told monitors she was refused admittance to Auto Mechanics. Another student said the guidance counselor told first-year high school students, meeting in small groups at the first of the 1975-76 school year, that it would be difficult for females

"The Bible says women are inferior."
...Teacher, **Valdosta, Ga.**

to be admitted into courses of shop or auto mechanics because "one of the assistant principals would rarely let girls enroll."

Because of this admonition, the student answered "no" to the monitor's question of whether she would feel free to take any course offered in her school.

Monitors, through interviews, reported that three athletic coaches who also teach drivers' education made comments in their classes about "bad women drivers." A male teacher of "Comparison of Western Religion" told his class that the Bible said women were inferior.

The chairperson of the home economics department at **Worth County, Ga.** High School told monitors that students began to "cross over" sex boundaries in course offerings "about three years ago."

At the junior high level, 19 per cent of the students taking consumer and home-making courses are males, and all of them are black. Seventy-six per cent of the junior high students, male and female, enrolled in consumer and home-making courses are black. This is a district of over 60% black enrollment. Fifty-five per cent of the students enrolled in occupational home economics are male, and of the male students enrolled, 55 per cent are black. At the Worth County high school level, 29 per cent of students enrolled in consumer and homemaking classes are male, and 30 per cent of the males are white. Thirty-five per cent of the females taking home economics are white. This report concludes that the two minority groups, females and blacks, demonstrate their career expectations at the lowest level of economic advancement.

"Bachelor Know-How" was the one academic course restricted to one sex in the school's course catalog in **Worth County, Ga.** Issued quarterly to students, the catalog did not contain a statement that courses were non-restrictive on the basis of sex and a vocational education teacher said that no efforts had been made to assure that students and teachers were informed that all courses were open to all students.

The district has a Coordinated Vocational and Academic Education (CVAE) program which is designed for potential dropouts. The program places students upon the recommendation of the supervisor and a guidance counselor, based upon the students' absenteeism, "handicap," social and economic disadvantage, and upon failing two or more grades behind their peers. The program places students in jobs for pay. Seventy per cent of the students in the program were male.

Worth County High School also had other programs which placed students in jobs such as doctor aides, secretaries, receptionists, bookkeepers, lunch room aides, farm supply sales, farm workers, salespersons, in service stations and banks. A teacher said students are selected for jobs on the basis of their ability and availability. Teachers indicated that no effort has been made to end sex-discrimination in recruiting or hiring. A teacher said that if a business person specified sex as a qualification for a job, the placement official would honor that request. Teachers confirmed that no affirmative effort has been made to place teenagers in non-traditional jobs.

The guidance counselor said her office had not participated in a self-evaluation and would not, because it was "unnecessary." She also said that when called upon by local business and industry to recommend a student of a specified sex for a job, she complies with the request.

"In the eighth grade I didn't want home economics but shop. I was told I could not take shop because it was only for boys. There would be no room for all the boys if a girl took it."

...Student, **Caddo Parish, La.**

LOUISIANA

Ironically, the same year the female student was refused admittance to a shop course, her occupational interest profile showed her interests to be art and mechanics. Although she was prohibited from taking industrial arts that year (shop courses, including mechanical drawing, were segregated in 1975-76) the test had encouraged her to plan a career in an area like drafting.

A student at Captain Shreve High School, **Shreveport, La.,** said she would not feel comfortable in "a boys' class." Another student told monitors:
"People think you are mentally ill for taking opposite sex courses. Some of the students think that, but that is because of the adults."

Caddo Parish had completed its self-evaluation before the monitoring project ended.*

*For additional school districts monitored, see **Single-Sex Schools.**

3. ATHLETICS

"All my life I've wanted to be an athlete. Now I'm 15 years old and I haven't had the chance to see if I'm any good or anything. But I still would like to try, so please give me and other girls a chance!"

Student Interview,
Caddo Parish, La.

"This is something we hope we never get involved in. This is something we're crossing our fingers that we hope we never have to get into. It's like getting into a law suit. Sooner or later someone will want a girl to play football."

Elementary School Principal,
Starkville, Miss.

"The girls needed more uniforms (the boys have different uniforms for each sport) but we were told there wasn't enough money to equalize girls' uniforms. So we tried to help financially. Last year the girls had a bake sale and this year we sold light bulbs."

Female Coach at All Girls High,
Jefferson Parish, La.

Title IX provides that athletics be operated without discrimination on the basis of sex.*

Athletics — to those who seek to weaken Title IX — provoked considerable controversy from special interest groups, the public at large and, consequently, members of the Congress. This report finds the final regulation, adopted in June, 1975, seriously diminished in its effectiveness to combat discrimination against women.

The regulation contains provisions that athletic programs may not be conducted separately on the basis of sex, but with exceptions. One exception includes teams defined by HEW as contact sports, i.e football, basketball, wrestling, boxing, ice hockey, rugby. Also excepted are teams where selection is based upon competitive skills. Separate teams may be provided women in such sports in order to equalize present opportunity or compensate for past inequality of opportunity, but are not required.

In issuing the Title IX regulation the former Secretary of HEW wrote on June 3, 1975, as preface to the published Rules and Regulations from the Federal Register:
"We have modified the proposed Regulation (on Athletics) in several respects, but held to the basic requirement that schools must indeed provide equal opportunity for both sexes to participate in intramural, interscholastic and intercollegiate athletics... In all, I think this Regulation enhances opportunities for women in athletics, but it will also allow schools the flexibility they need to keep competitive sports alive and well."

Before Title IX became effective on July 21, 1975, a public comment period from June through October, 1974, resulted in HEW's receipt of nearly 10,000 comments on the proposed regulation. Athletics received the most comments of all categories in the Title IX regulations and it seems appropriate to examine the reasons for these often passionate expressions by citizens.

Certainly sports affects the pastime pleasure of many Americans, who felt threatened that the sport of football would suffer if sex discrimination in education ended. HEW allayed many anxieties by not requiring in the final Title IX regulations that budgets for sports of both sexes must be equal. After the public outcry, the final Regulations did not demand dollar-for-dollar matching expenditures for each sex:

"Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section."

Football is a sport serving the community, not the student body as a whole. And it follows that football is, as a sport, the antithesis of what an athletic program in an educational institution should be. Numerous interviews with students, parents, teachers and some comments from coaches and school administrators indicate that athletic programs for girls will remain inequitable as long as school board budgets consistently show disproportionate expenditures for football.

Abundant identification of discrimination against females in athletics, directly resulting from a traditional financial and societal emphasis on football in our public educational institutions, is revealed in this monitoring project.

It may be that those school systems with sincere desire to end sex discrimination in Athletics and who face budgetary problems will find they cannot afford football teams.

Many athletic directors argue that "football pays its own way." Accounting methods of these directors often demonstrate the book entry of gate receipt "profits"—with no deductions entered for actual football costs to the school: stadium, coaches' salaries, uniforms, travel expense, and other physical needs that require huge financial outlay to provide a football team.

The HEW fact sheet, accompanying the final regulation, states:
"Athletics constitute an integral part of the educational processes of schools and colleges and are fully subject to the requirements of Title IX even in the absence of federal funds going directly to athletics."

Fears of males and females that their spectator sport will be diminished is not the concern of this report. The concern of this monitoring survey is that females benefit equally in the process of public education. Indications are that females are denied equal educational opportu-

*See Addendum C, for Subpart D. Section 86.41

nity in athletics, since the sport of football which is denied to female participation, in fact if not by law, comprises the budgetary majority in all systems monitored.

Equal opportunity to participate in the athletic programs in public school systems of the six states monitored was clearly not a reality in the first years of Title IX implementation. The question is, can it be a reality under the present guidelines that allow unequal aggregate expenditures.

"The last minute of the last day."

...Superintendent, **Fairview, Ark.**

TIME ALLOWED FOR COMPLIANCE

Several districts had introduced girls' sports for the first time a year before the final regulations. It was indicated in these districts that pressure from parents and students was responsible for some changes prior to Title IX, and additional evidence that districts had seen the "handwriting on the wall" and begun to initiate some change.

Many school systems consider July of 1978 their due date for compliance in Athletics, because an adjustment period of three years is allowable for secondary schools under the final regulations. However, districts should be apprised (and frequently were, by monitors) of OCR's statement that this is "not an automatic waiting period."

OCR takes the position that a three year adjustment period must be fully justified by the recipient that, a- there are real barriers to achieving immediate parity for students of both sexes, and b- steps are being taken, with a specific timetable for their implementation, to overcome the identified barriers.

ARKANSAS

In **Camden, Ark.,** the Athletic Director and Head Coach presented a 1976 athletic budget which allotted as much money for boys' football equipment alone as for the entire girls' athletic program.

"People are misled in thinking that a girls' sports program can be built overnight," he said.

"It isn't instant, but must be built over a

"Girls aren't important"

...Student,
Russellville, Ark.

---

period of many years."

Camden schools had made no effort to provide for women's athletics before Title IX. It was evident from the 1976 budget that it would indeed require a "period of many years" to build an equitable program for women.

Camden students, middle schools through senior high schools, were polled in May, 1975, about their sports preferences. As a result, girls' teams were formed or being formed in basketball, volleyball and tennis, with optimistic talk of a track team in 1977. Boys continued their teams in football, basketball, golf, tennis and track.

Students interviewed were consistent in their complaints of inequities in the athletic program for girls, citing scheduling of games and practice time, provision of equipment and supplies, transportation, uniforms and publicity.

A black female student answered "yes" to the question:
"Are athletic events ever scheduled for a place where either males or females are prohibited from attending?"

She referred to boys' golf matches held at the Camden Country Club and school-sponsored. Discrimination was on the basis of race, not sex. The white female students attended the matches.

Monitors cited Camden as an example that a school system's failure to provide strong athletic programs for females robs these young women not only of athletic opportunities but educational ones as well. In 1975, four male students won scholarships in football and track worth $60,000. No females were awarded scholarships.

"The initiative comes from the college," the athletic director said. "None recruited our girls."

He omitted the fact that Camden High School had no women's athletic program from which to recruit.

The **Russellville, Ark.** school district serves a mostly rural population with a percentage of black students less than 20 per cent. Title IX monitors reported:

"Russellville is a district which had no real athletic program for females until it saw

Title IX on the horizon."

Middle schools, junior high and senior high schools were monitored in the spring of 1976, and results indicated that girls' athletics at each academic level had been either denied or ignored.

"Girls aren't important," was a recurring theme in student interviews with both males and females in Russellville and other districts monitored.

Boys at the middle school have contact sports teams in football and basketball, non-contact teams in track and field. There is a new basketball team for girls at this level (organized as a result of Title IX) and what a teacher described as a "limited program" in track and field. This teacher estimated that 15 per cent of the school's athletic budget is allocated to girls. A junior high teacher estimated the girls' share of the athletic budget at 10 per cent.

A male student said: "Next year there will be some girls' teams, but if it wasn't for the law, they wouldn't have any."

A female student said: "Boys have a football team which is a 'big deal.' They get a lot of attention, work out after school, have uniforms and special equipment provided. Our basketball team has a shortage of uniforms and just meets during the regular PE period. Girls aren't important."

A teacher said the girls' athletic program was to have been discontinued due to lack of facilities, but the athletic director reported that a new gymnasium is planned. Monitors concluded that the junior high athletics program would not be in compliance until 1978, at the earliest, when the gymnasium is scheduled for completion.

At the senior high school level in Russellville, monitors found even more blatant inequities. In 1975-76, approximately four per cent of the district's athletic budget was allocated to the girls' sports, according to the district athletic director.

"It seems that since the athletic director in charge is a male, he is therefore more concerned with the boys' program. There is a great deal more emphasis on what boys can do and what they should have. Title IX is the only reason for giving the girls anything."...Teacher, Russellville, Ark.

Girls were given, according to another teacher, swimming, gymnastics and tennis, with basketball to be offered in 1976-77. Boys were offered football, basketball, track, swimming, tennis and golf, with plans to add a gymnastics team later.

"An attitude change should come first and this change should first be made by the adults involved: coaches, principals, superintendents, etc. If the men involved would break down and concede that girls are just as capable and skilled as boys, then the boys' attitudes would change and reform would come about. Title IX has set changes in motion. This is the only reason the girls are getting anything at all."...High School Teacher, Russellville, Ark.

The male athletic director at Russellville High had the last word:

"My recommendation would be that we comply with Title IX but our attempt should be to provide a well-rounded athletic program for those who are interested rather than being concerned with Title IX as such."

School officials at two additional Arkansas districts monitored, **Harmony**

Grove #1 and **Fairview #16,** evaded questions about the athletic budgets, but it appeared that these districts conformed to standard policy of emphasizing football. At Harmony Grove, students reported that girls have only one team, basketball. Boys have football, basketball and track. No administrator or teacher interviewed could announce firm plans for additional girls' sports in the future. Although none of the secondary students interviewed at **Harmony Grove** were aware of it, the athletic coach said a poll of student athletic interests had been conducted through the student bulletin. No results were reported. The only insurance provided by the school district is for senior high football players.

Students at **Fairview** did report participating in a poll of sports preferences. The superintendent said that girls' teams are being formed in basketball, volleyball and gymnastics as a result of student polling and Title IX. The same superintendent explained his views on government titles to the monitor:

"We'll comply *the last minute of the last day,*" he said.

SOUTH CAROLINA

Mindful that Title IX regulations take precedence over state athletic association guidelines, monitors investigated a complaint by a **Greenville, S.C.,** female student who was not permitted to participate in the school's all-male baseball team. The South Carolina High School League denied this student the right to play on the junior varsity team because the League defined baseball as a contact sport. The Title IX regulations state explicitly that baseball is a non-contact sport.

The student filed her complaint in April, 1976, with OCR. The Region IV office (in Atlanta) wrote a letter of finding that girls cannot be prohibited from playing with boys on a baseball team, but the letter was routed through Washington, subsequently tied up in the national office, and no action had been taken at the time of the monitors' most recent inquiry.

This Greenville student's experience underlines the difficulties encountered by students requesting their minimal rights under the law. The initial process of complaint to the local school board was thwarted by the high school athletic league and the attitude of the high school coach; the subsequent process of complaining directly to OCR was stymied by the indifference and/or negligence of the national office.

"Whatever means, fair or foul."

...High School Coach, **Greenville, S.C.**

A high school teacher told monitors: "Several girls indicated that they would like to try out for the baseball team, and the male coach publicly derided their intentions during classes. When another teacher and I became aware of the ridicule the girls were subjected to, we interceded on their behalf. The coach told us he would keep them off by 'whatever means, fair or foul, because girls would ruin the spirit of the team.' "

Title IX affected some change in Greenville during the 1975-76 school year: previously girls' coaches had not been paid, and additional girls' sports were offered during that school term.

However, a high school teacher said changes involved "halfway, long overdue efforts to fund girls' athletics and coaches."

The Title IX coordinator gave these athletic budgetary statistics: $168,750 for boys, $56,250 for girls.

Two encouraging bits of news came out of South Carolina in the area of athletics. In **Kershaw County, S.C.,** the SCHSL fined a high school principal $100 for allowing a girl to play baseball with boys. OCR ruled that the principal be reimbursed. And a story from monitors in **Rock Hill, S.C.,** illustrates how an attitudinal change can be effected through the performance of one determined and accomplished young woman.

"The head coach at one of the junior high schools one day noticed a girl pitching baseballs with a group of boys. He tested her hitting ability, and asked her to come out for the school's baseball team. She became the third leading hitter with the school's team for the year.

'I haven't been much in favor of girls playing on boys' sports teams,' the coach was quoted as saying, 'but she sure is making me eat a lot of things I've said in the past.

'Our kids take some ribbing from other teams we play, but they just turn around and ask where *their* girl player is. When you think of girl athletes, you immediately think about the bigger girls. Not this one. She stands 5'1" and weighs 110 pounds.' "

Either the South Carolina High School League was not apprised of the girl's success on the baseball team or the League acts only when local schools request help in resisting the law.

"I guess
they figure girls don't count."

...Student,
Sumter, S.C.

In **Sumter, S.C.**, the major athletic emphasis is on football. A principal said: "Ten per cent of the school's athletic budget goes for women's sports. However, tennis and basketball are supported equally for girls and boys. Football makes the big difference."

He voiced a complaint cited throughout South Carolina and in many other districts in the states monitored: "It's not easy to make schedules for girls' teams because many other schools in the state do not have any girls' teams to compete with."

There was little evidence that school administrators had taken any leadership position to force the SCHSL to conform to Title IX and to further meet the athletic needs of young women.

A high school coach, asked to describe the areas in which the women's athletic program was still weak, said:

"The opportunity has been provided, the money is available and coaches are available. But there is no statewide competition. We do not have an effective representative at the High School League office."

This coach also expressed his theory on why men usually coach girls' varsity teams:

"Men are assigned to coach girls because they are notified of openings first. Coaching supplements are an incentive pay. Many men are able to negotiate their salaries whereas the women are not."

Sumter High students confirmed that the system was out of compliance, not only in selection of sports and levels of competition but also in areas of equipment and supplies, provision of locker rooms, practice and competitive facilities, scheduling, transportation and publicity.

According to high school senior girls interviewed:

"The girls' volleyball team could only have one home game last year because the school wouldn't put out the money for officials."

"The tennis team received official shirts with "Sumter" on them, but the school ordered all the shirts in boys' large sizes—for the girls' tennis team! Only one girl on the team can wear her shirt."

"The boys' tennis team always has the best courts. The girls' basketball team plays at 5 o'clock—a time when adults are coming home from work or eating dinner or other students are getting ready to go out later to watch the boys' varsity."

"The school has decided girls' teams do not draw as many spectators so they don't need publicity."

"The boys' locker rooms had lockers, but the girls have pegs."

"It seems to me that when a school won't put out the money for officials for a girls' volleyball game but will shower the football team with anything it wants, there is something definitely wrong."

Predictably, the young women themselves have self doubts. A high school junior told a monitor that even other girls don't seem to consider their peers important in athletics.

"The Civinettes (all girls' club school-sponsored) gave the varsity basketball boys towels with their names on them. They did not give the girls anything. I guess they figure girls don't count, even though they work hard just like boys."

A school board member in **Pickens County, S.C.,** said:

"The South Carolina High School League ruled that soccer is a contact sport. We didn't keep the girls off the team. The League did."

A high school coach also admitted that women's interests are not represented by SCHSL.

"Girls theoretically are permitted to try out for some 'boys' teams—tennis, track and golf—but in fact there are no girls on these teams, because they are discouraged from trying out," a female high

school student said.

"The soccer coach welcomed two girls on his team, but they were eliminated ultimately because of the SCHSL. Students eliminated from these male teams have not been given the opportunity to form their own teams, except in soccer, where it was futile because not enough girls wanted to play and there were no opposing girls' teams in the SCHSL."

OCR in its Title IX Manual has a clear answer for Daniel High School in **Pickens County, S.C.:**

"A recipient (school system) may operate unitary teams (composed of members of both sexes) for which selection is based upon competitive skill only if, in doing so, the interest and abilities of members of both sexes are effectively accommodated."

"You rarely get to play"

...Female Student,
York #3, Rock Hill, S.C.

Twenty per cent of the athletic budget at Daniel High in **Pickens County, S.C.,** goes for women's athletics. This buys the girls interscholastic competition in basketball, volleyball and track. The boys' 80 per cent funds football, basketball, wrestling, tennis, soccer, golf, baseball and track.

A male coach said that the female gym teacher was assigned to coach the girls in basketball and volleyball, for which she received no coaching supplement.

None of the students in Edwards Jr. High or Daniel High in **Pickens County, S.C.** had been polled regarding their athletic interests. A school board member explained:

"We poll people by announcing the first meeting of girls' softball. If no girls show up, we don't have girls' softball. I consider this polling."

Pickens County schools surveyed appeared to be out of compliance in providing athletic opportunities for females in areas previously limited; in providing equipment and supplies; opportunities to receive coaching and academic tutoring; efforts to provide publicity.

Conversely the principal of Daniel High said: "The athletic department offers comparable activities for boys and girls in athletics."

Experiences of female students at Sullivan Jr. High and Rock Hill High in **York #3, Rock Hill, S.C.,** illustrate the meaninglessness of a school district's token compliance with the law. At both schools, it was found that girls were allowed to try out for "boys" teams, but no girls were actually playing on the teams. Asked whether the girls eliminated were permitted to form alternate teams in a sport, students said coaches never inform students they are eliminated.

"They tell us to come out if we want to," one female student said, "and then you rarely get to play."

Students at neither school in Rock Hill had been polled on athletic interests.

"That doesn't come out equal, does it?"

...Student, **Valdosta, Ga.**

GEORGIA

Valdosta, Ga. is a small city school system. A tenth grade white female student interviewed asked a question:
"I feel that girls' sports are not supported as well as boys' and that girls are not given as many opportunities to participate in a variety of sports. We have basketball and tennis, but boys have football, baseball, basketball, tennis, golf and wrestling. That doesn't come out equal, does it?"

A ninth grade boy had an opinion, if not an answer:

"Girls' sports aren't as important. Girls don't catch on in sports as quick because they are not very athletic."

The monitoring project in Valdosta could discover minimal opportunity for a young woman to develop athletic prowess. The school system superintendent (male, white) reported that football, baseball and track constitute varsity competition for men, saying there were "no plans for women."

Monitor: "How are you adjusting the budget to meet new demands for women's athletic programs?"

Superintendent: "No new demands, so no adjustments."

Regional competition and the state athletic league showed itself once again to be a problem with girls' teams. Asked what was being done to bring the district into athletic compliance under Title

IX guidelines, the athletic director said regional competition was being encouraged, since a team can't play if there's no one to compete against.

"We have 16 girls in tennis," he said, "but other school systems don't. We see this coming in three or four years."

Boys and girls are not allowed by the league to play on the same team in contact sports, and girls are not permitted to play with boys on the baseball team or to participate in boys' track. Softball and track are not offered for girls, and the only fall sport possible for female students is tennis.

The athletic program in Valdosta is discriminatory against females with violations cited in selection and availability of competitive teams, provision of equipment and supplies, compensation of coaches, practice facilities and publicity.

A ninth grade girl described scheduling and promotional inequities by performing for monitors her interpretation of a sports announcement on the school intercom:

"This afternoon we have a girls' basketball game. (pause) And tonight we have a great wrestling match! These boys are doing a wonderful job. Come out and support your wrestling team. That's tonight at 7:30!"

Though no new teams have been formed for girls as a result of Title IX, the athletic director considers mixed doubles in golf and tennis to be a reform measure. He also said that in intramurals, boys and girls are mixed—"even in touch football, basketball, gymnastics, softball and track." This may be a school policy, but no girls interviewed were aware of mixed intramural sports.

Two students, one male and one female, summed up equal opportunity in athletics for Valdosta monitors:

Boy: "Tennis and basketball are played by both boys and girls, because these sports are not as expensive as others."

Girl: "A girl has as good an opportunity as a boy to play on a team she likes, *if the sport she likes* is basketball or tennis."

Though there is no Title IX Coordinator in the **Worth County, Ga.** school system, a federal fund coordinator covers all Title programs. According to a high school teacher in this rural district, "Title IX is not a top priority item in this county,

"Title IX is not a top priority."
...High School Teacher, **Worth County, Ga.**

and the vast majority of educators and public are totally unaware of its meaning."

The athletic budget was not made available to monitors, but a teacher estimated the girls' portion at 30 per cent. The same teacher said that girls' teams were weak through "lack of competition" and "area tradition." Apparently no attempt was being made to correct past or present inequities in the system. The only change this year was making tennis available to girls in the fall as well as spring. Previously, no year-round program had been available for girls.

Girls have one contact sport, basketball, and two non-contact sports, tennis and track. Boys at Worth County High School compete in two contact sports, football and basketball, and three non-contact sports, tennis, track and baseball. **Males and females are not allowed to play on the same team in non-contact sports, even when teams in these sports are not available to both sexes.**

A coach, verifying that women coaches' salaries are lower than men's, explained that tennis and track are minor sports and subsequently require less compensation.

In Worth County, Ga., as in many districts where there is administrative apathy in equalizing opportunity, it must be the responsibility of the federal government to develop a strong comprehensive enforcement plan.

ALABAMA

Monitors in **Homewood, Ala.**, a suburb of Birmingham, reported cooperation from the system during the monitoring project and that school administrators expressed intent to comply with Title IX regulations. The high school principal said that three teams for girls had been formed in response to Title IX, though admittedly more evaluation and adjustments were needed in the future for total compliance.

Student response in the area of athletics was inadequate, monitors reported, and changes in the regulations of the Alabama High School Athletic Association were needed to equalize competi-

"The girls got what they asked for, but the boys had a greater need."

...Teacher, **Homewood, Ala.**

tive activities for the sexes.* Some difficulties were encountered with the Booster Club (a parent organization that fund-raises for Homewood athletics) and monitors reported plans underway to educate this group to meet the needs of funding girls' sports.

Twenty per cent of the athletic budget is allocated to girls' sports, and the athletic coordinator said:
"Football and basketball make money and also take the most money to operate. There will be no attempt to equalize expenditures because the budget is in accordance to needs."

At Homewood High, boys had teams in three contact sports: football, basketball and wrestling. Girls had only basketball, and 1975-76 was the first year for the girls' teams. Until 1975, state law and the AHSAA prohibited girls' basketball competition.

In non-contact sports, boys had tennis, baseball, golf and cross-country. Girls had previously had only gymnastics, but the principal reported that archery and tennis were added as a result of Title IX Regulations.

Obviously, Title IX has made possible an athletic program for girls which previously did not exist. Theoretically, teams are open to all students, but there is not a single team with both sexes participating in competition.

Asked why girls' athletics receives less than one fourth of the athletic budget, a teacher replied: "Football, for instance, costs more than tennis or basketball."

At the junior high level, the athletic budget for girls is $1200, and $5800 for boys. A teacher interview attributed the difference to football equipment and said that once teams are set up, they must finance themselves through competition and gate receipts.

"The girls got what they asked for ($1200) but the boys had a greater need."

Girls had no contact sports in junior high, but boys had football, basketball and wrestling. A coach said that everyone had the opportunity to try out for the team, but no girls were members of the teams. As a result of Title IX, junior high girls participated in previously all boys' non-contact sports, but did not compete with them. Monitors found that the junior high system had moved from total non-compliance to an attempt at compliance in the 1975-76 year. A teacher said there were plans for a girls' volleyball team in the 1976-77 year.

"More popular sports (boys) are played at prime attendance hours."

...Male student, **Auburn High, Ala.**

Two coaches said the Alabama High School Athletic Association failed to represent the best interests of women in athletics. They reported that AHSAA needs more representation from women, but female participation is resisted.

Another coach said, "The major problem with girls' athletics is interest. It's extra-curricular, so interest has to be developed."

Little interest could have been developed previously, since most girls' sports were non-existent.

A male senior, asked whether girls' athletic events were scheduled at prime attendance hours, said, "No. More popular sports are played at prime attendance hours."

Girls at Auburn High in **Auburn, Ala.** motivated change in the athletic program that previously had excluded them from any contact sport. They attended and participated in tryouts of the boys' tennis team three years ago. The result of their independent action was the immediate formation of a girls' tennis team. The victory was small, since the girls had to pay for their own uniforms and equipment, but in 1975-76, they were for the first time included in the school's athletic budget.

"There is more awareness and support of girl's athletics since Title IX was passed," a coach said.

This "awareness and support" is reflected in the athletic budget, which allots girls' sports $1,200 out of a total athletic budget of $20,834.

The coach at **Auburn High, Ala.** defended the inquitable expenditures for boys and girls:

*See Addendum E.

"The $600 each of the girls' tennis and track teams get is equal to the amount the boys' tennis and track teams receive. The difference in the budget is that the boys have more sports, and — more importantly — they have football."

Boys' sports at Auburn High include football, basketball, wrestling, track, cross-country, baseball and tennis. Football has a budget of $10,300; boys' basketball, $2,300; boys' baseball, $2,200; boys' wrestling, $800.

The coach's argument that, team for team, the girls get an equal share, the budgetary inequities arising from the number of teams offered each sex, has been heard by monitors in many districts. Administrators express confidence that this argument is valid, making them in Title IX compliance.

This report concludes that opportunity cannot be equal when boys' teams outnumber girls', putting this and other districts in non-compliance.

Repeatedly administrators were reminded by monitors of the following OCR interpretation of Title IX on athletics:

"The courts have consistently considered athletics sponsored by an educational institution to be an integral part of the institution's education program and, therefore, have required institutions to provide equal opportunity."

Another familiar argument from the coach interviewed was that $16,344 of the budget came from football gate receipts — "therefore it is felt that football deserves its large share of the budget."

Although girls were polled on athletic preference, indicating strong interest in both basketball and volleyball teams, coaches interviewed said they thought it unlikely the teams would be formed in the coming year. Reasons stated were that time was short and neither of the current girls' coaches (both women) wanted to coach the teams.

The Title IX coordinator said, however, that a girls' basketball team was planned, for the following reason:
"A male coach has been located who feels there will be no problem re salary supplement."

The coordinator said there might be a problem with practice time and facilities "since they will be handled at the school level."

Teachers interviewed interpreted this problem as one of scheduling, anticipating that the girls' schedules would have to be made to fit in with the boys who would be given practice and game time preference.

Monitors noted that no members of the girls' tennis team received outstanding athlete awards in the spring of 1976, though the team advanced to the sectional finals. Girls received awards for outstanding track and outstanding cheerleader. Boys were found to be outstanding in wrestling, track, football, basketball, and baseball.

"For boys, it's taken years to build all this up. You can't just jump in and make it equal."

...Athletic Director, **Biloxi, Miss.**

MISSISSIPPI

Like many districts monitored, the **Jackson, Miss.** Municipal Separate School District had developed almost no athletic program for women before Title IX. Monitors found efforts at Title IX compliance during the first year of implementation minimal. Specific information on athletics was difficult to obtain because of the resistance of school officials.

Monitors described the Jackson situation as follows: "There was a great deal of misinterpretation and misconception about the guidelines. Another issue was the antagonism toward the federal government for meddling in our affairs. Perhaps the single most damaging problem was the indifference, disinterest and apathy of far too many teachers."

Elementary, junior high and senior high schools were monitored, and girls' athletics were found to be inadequate at all levels. Resistance to Title IX regulations began at the top, with one athletic director's insistence that, contrary to HEW guidelines, baseball is a contact sport.

"I don't know anything more contact than baseball," he said.

Three girls at Callaway High School, Jackson, Miss., momentarily defied the system's traditions and went out for the boys' baseball team. Though the athletic director said none were accepted, the high school coach (male) said he would

have accepted one of the girls, but she decided to play tennis instead. It was not determined whether this young woman was allowed only one sport, was discouraged by her peers, or simply changed her mind, but in this system it was clear that the very act of trying out for the team required individual courage.

The coach also said that he would personally have no objections to girls on the baseball team.

"If they can hit the ball out of the park, I don't care *what* they are."

An athletic director in another Mississippi school system criticized Title IX regulations in athletics:

"HEW came up with solutions, but not any money," he said. "You could end up without enough money for any of them. Boys' sports would be bad and girls' sports would be bad. But for boys, it's taken years to build all this up. You can't just jump in and make it equal. It takes time, a period of adjustment for the girls and the entire athletic program."

The director obviously intends to take advantage of any adjustment period allowable under the law, but he indicated no plans for the time he required for compliance or, indeed, any plans for Title IX implementation. OCR's Title IX manual specifically states that there are no "automatic waiting periods," and that an adjustment period may only be justified by the school system that can demonstrate that:

> a. there are *real barriers* to achieving immediate parity for students of both sexes. (Lack of a female coach to supervise the locker room for female students is not a justification for a delay.)
>
> b. steps are being taken, with a *specific timetable* for their implementation, to overcome the barriers identified.

At Casey Elementary School in **Jackson, Miss.**, the entire athletic program was conceived and sponsored by the YMCA in 1975-76. The situation at Casey, where no girls were included in athletics, illustrates the discriminatory results of exempting certain organizations like the YMCA from Title IX inclusion.

Athletic meets and teams were sponsored by the YMCA, but the athletic activities took place at the school. Three male students interviewed said that at the first of the school year notes were distributed to girls, "saying they could be cheerleaders," and notes to boys about the sports teams offered. The notes were from the YMCA but distributed by school personnel.

"Maybe girls just don't want to play."
...Sixth grade boy,
Jackson, Miss.

A sixth grade boy gave his interpretation of the athletic situation at Casey:
"Maybe girls just don't want to play."

A mechanical drawing teacher coached the girls' softball team at Callaway High, Jackson, where girls complained that their locker rooms were smaller than the boys', their equipment was inadequate, and that no softball games were played "at home" because the girls' playing field was not usable for games. There were no complaints about the boys' baseball field at Callaway which did host games. The girls' basketball games were scheduled immediately before the boys at a time (familiar in many districts) "when nobody came."

One school official said that Jackson's public schools added girls' softball in 1976.

"Most athletics officials seem to prefer instituting a women's team rather than allowing women on an all-male team," he said.

Though there was small evidence found by monitors that Jackson was attempting to provide the resources needed for a successful athletic program, the district athletic director said:

"The success of women's athletics will depend on the quality and types of teams you have. If you're winning, you're going to get more interest."

Although monitors met resistance from the teachers and most administrators in their Title IX interviews, in **Jackson, Miss.**, both male and female students voiced complaints about inequitable treatment in the athletic programs.

At Blackburn Junior High, there were no athletic programs for girls until 1974-75, when basketball and track were introduced. Boys have football, basketball and track, with both sexes playing tennis. Girls had to furnish their own uniforms and tennis shoes; boys did not. A frequent complaint of students in all schools monitored was unequal issuance

of uniforms.

At Brinkley Junior High, students said that boys had more practice sessions, first access to facilities and equipment, that boys were furnished uniforms and girls played in "regular shorts and shirts," girls do not have lockers, and boys have "coaches for their teams but girls have teachers."

"Everyone makes jokes about the girls' teams."

Male High School Student,
Jackson, Miss.

The Title IX coordinator in Jackson admitted that coaches of girls' teams were paid less than coaches of boys' teams, because the girls' schedules were not as heavy. She said there would "probably be changes" as the girls' teams were given heavier schedules.

A Murrah High School male student said girls' sports do not generate the excitement that "usually surrounds those sports where boys participate."

"They put the chump girls' teams before the boys' A-team games and no one is ever there.

"Everyone makes jokes about the girls' teams," he said.

This student expressed admiration, however, for "The Murrah Misses," an all-female drill team that performs during halt-time at high school football games.

The Title IX coordinator is a woman. Her interview indicated an awareness of problems facing the system, and it is obvious from other data and attitudes that inequities in the athletic programs will necessitate cooperation from male administrators at all levels. Asked if any complaints have been filed with OCR against the Jackson district, she replied: "I have received a letter from the Office for Civil Rights in Atlanta which stated that someone has filed a complaint against the school district. The letter did not describe the nature of this complaint. The letter requested certain information on athletic programs — number of male and female teams, number of male and female coaches, salaries, description of how vacancies are advertised, etc. I sent this information to Atlanta."

No athletic program was provided women in the **Oxford, Miss.** schools until November 20, 1974. Some school personnel attributed this long overdue addition to Title IX, but monitors found indications that women's sports could

"Just boys have uniforms. Girls wear colored nets over our own clothes."

...Student, **Oxford Jr. High**

have been added as a result of parent pressure.

Programs instituted at Oxford junior and senior high schools were described by monitors as "inadequate." Sports available to boys at the high school level include wrestling, basketball, tennis, track, baseball, with football receiving the major share of the athletic budget. Girls have organized sports in basketball, tennis and track.

At Oxford Junior High boys have three organized sports: basketball, track and football. Girls have two, basketball and track. Boys have full uniforms in all sports, but a female student said: "Girls wear colored nets over our own clothes."

Girls expressed resentment about scheduling: "Our games are always before the boys, around suppertime when nobody comes."

There was no example of the school system's attempting to compensate for past inequities in girls' athletics. Asked if girls' sports were considered as important as boys' at her school one student replied:

"No. You see, we've just started participating so we're not as well trained."

Other Title IX areas of non-compliance include unequal promotion and advertising of games, pep rallies for boys' games only, unequal choices of participating sports. There was only one female coach in the high school system, with the girls' basketball and tennis coached by a male.

However, junior high girls do have better dressing facilities than the boys — newer showers (since their athletic program is newer) and a larger dressing room.

The Oxford Junior High School handbook published only the football schedule, and under "eligibility rules for athletics" the pronoun "he" was used exclusively, including the information that all players must be insured with "football insurance available."

Three males from the **Franklin County, Miss.** School System received full academic scholarships to college for 1976, on the basis of athletic prowess in football. No athletic scholarships were awarded women because, according to the head football coach and athletic director, there were no good female athletes in the system.

"No good women athletes last year."

...Athletic Director, **Franklin County, Miss.**

Athletic programs for women are an innovation in Franklin County. Prior to 1975-76, there were no organized women's sports. Basketball and track were instituted, for women, in the year monitored. Before the 1975-76 school year, there were no women's sports, and no girl could have been "good" or qualified for a college scholarship, having had no experience in athletics.

When women were allowed to participate in sports, the results were minimal. A statistical breakdown of students participating in athletic programs showed 208 boys involved and 45 girls. Sports offered in the school system for boys included varsity football, varsity basketball, varsity baseball, varsity track, 8th and 9th grade football, 7th grade football, junior varsity basketball. High school girls were given varsity basketball and track. There were no organized sports for women on the junior high school level.

In response to questions by monitors, the superintendent of Franklin County schools said that no preference polling of sports had taken place, that no new teams were being formed for women, and that since no new teams were being formed the athletic budget would be unchanged. All administrators interviewed appeared unaware of sex-discriminatory implications in the athletic programs.

Franklin County, Miss. is out of compliance. The system needs immediate and active reviewing of its athletic program by OCR and immediate and active assistance to equalize athletics for women students.

"This is something we hope we never get involved in...it's like getting into a law suit...sooner or later someone will want a girl to play football."
...Principal, **Starkville, Miss.**

In a complaint to the Office for Civil Rights, the following allegations were made in the area of athletics in **Starkville, Miss.**

a. There is no interscholastic sports program for seventh grade girls, while boys in that grade participate in interscholastic sports.

b. Boys' athletic teams have not been required to finance their trips and equipment, but the cheerleaders have, as did a gymnastics team no longer in existence because the coach left the system.

c. There are no female coaches (and coaches receive salary supplements.)

d. The district publishes schedules for boys' athletic events, but none is published for girls' games.

A mother who complained to school officials in the middle schools, reported that the answer she received from principals and coaches was "we're sorry."

Another middle school parent, frustrated about her daughters not having athletic opportunities, said: "In the south, the culture demands football — and it's not a girls' sport."

An elementary school teacher, whose job description was "Athletics," said that *boys and girls at her school play on separate playgrounds, "especially if there are black boys and white girls."*

High school girls said that girls' games were not "announced" like boys' games.

A boy interviewed at the elementary level said: "Most rooms have a bouncing ball, but we have to bring our own ball gloves. The principal gives out the one bat and ball to the boys."

Monitors asked the superintendent how he was adjusting his athletic budget to meet new demands for girls' sports: "That's a good one," he said, "since we don't have much of a budget anyway."

Obviously uninformed of Title IX regulations he said:

"We don't see that any adjustments are necessary since in this district we appropriate monies for athletics and are dependent on gate receipts."

There was the standard and anticipated attitude of resistance and suspicion, evidenced by the principal who hoped Title IX was "something we never get involved in..."

LOUISIANA

The first year of Title IX implementation in **Shreveport, La.,** revealed no attempt to equalize athletic opportunity for girls and boys in **Caddo Parish.** Boys had interscholastic teams in football, basketball, baseball and track, sports in tennis, golf and swimming. There was a girls' swimming team and desegregated opportunities for girls on the tennis and golf teams.

> *"Please give me and other girls a chance!"*
> *...Student,* **Caddo Parish, La.**

Girls reported that boys' PE offered training in football, baseball, weight-lifting, track and boxing — all skills denied female students.

The girls' lack of adequate training revealed itself in tennis and golf team membership. Six girls and fourteen boys made the tennis team, one girl and nine boys the golf team.

Although the city recreation department sponsors girls' softball, the school system has denied girls the opportunities for developing skills in athletics.

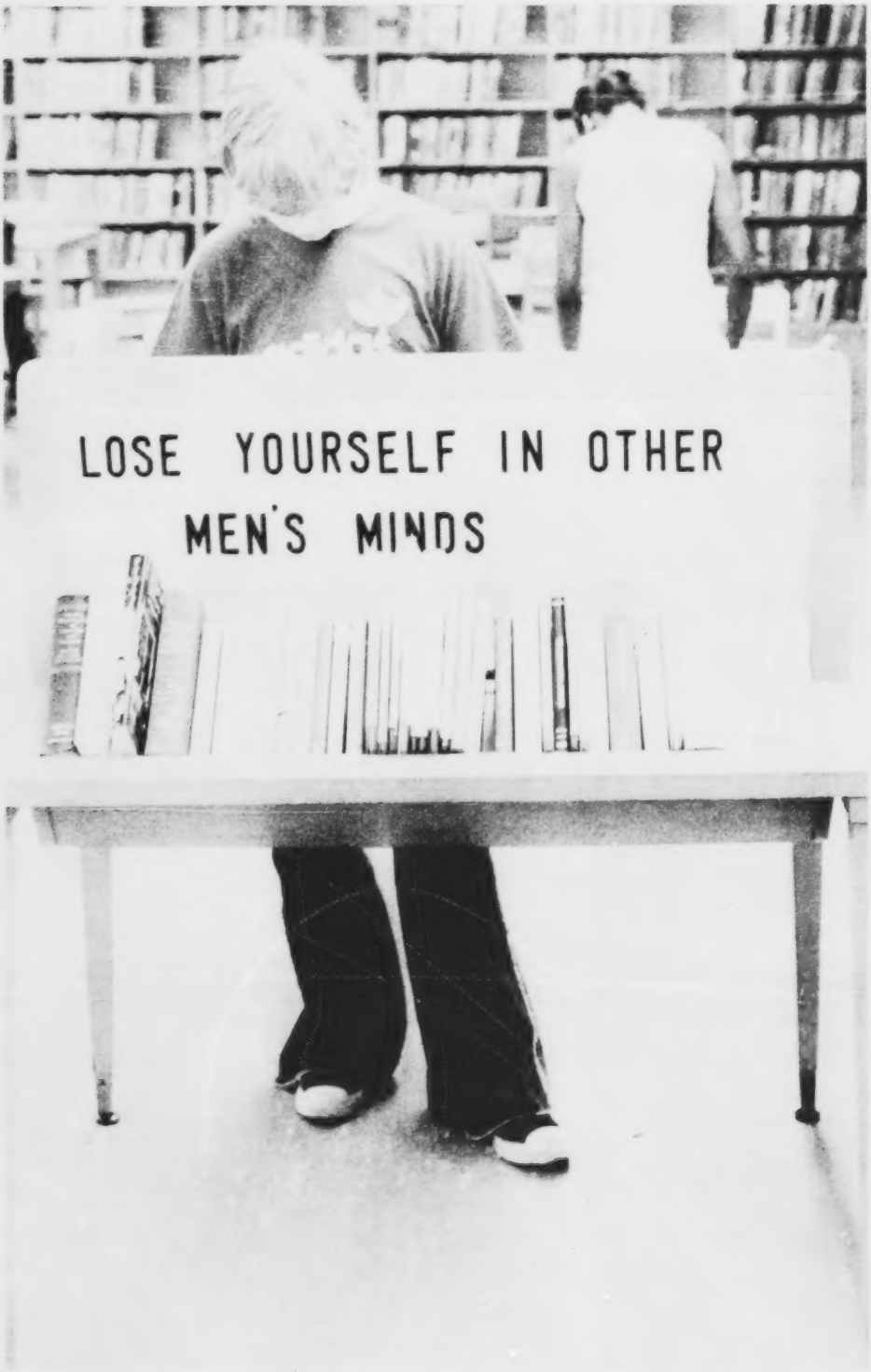
"If you're not a star football player at Captain Shreve High School," a student said, "you get no recognition...unless you win Miss Captain Shreve, and that's only for a day."

The one optimistic note heard by monitors was the girls' anger at the system's policy of discrimination. Apathy among young women is not the problem here.

"All my life I've wanted to be in athletics. Now I'm fifteen years old and I haven't had the chance to see if I'm any good or anything, but I still would like to try. So please give me and the other girls a chance!"*

*See **"Single-Sex Schools."**

4. TREATMENT OF STUDENTS


LOSE YOURSELF IN OTHER
MEN'S MINDS

Title IX prohibits, with certain exceptions, discrimination on the basis of sex in extra-curricular activities that receive federal financial assistance.* The exceptions grew in numbers as a result of certain pressures by organizations. The President signed a statutory amendment to Title IX on December 31, 1974, exempting Camp Fire Girls, The YMCA, YWCA, Girl Scouts, Boy Scouts, and all voluntary youth service groups entitled to a tax exemption under the IRS Code. The rationale given by HEW was that the exemption was limited primarily to "social" organizations, not educational, and therefore fulfilled the intent of the Congress.

If it is valid that, in the 1975 statement of a former Secretary of HEW: "Much of the discrimination against women in education today exists unconsciously and through practices *long enshrined in tradition.....,*" then it is also valid that the "social" discriminatory practices within and without the educational institution affect this unconscious discrimination and have far-reaching consequences in the productive development of American women.

*See Addendum C, for Subpart D, Section 86.31, Subpart B, Section 86.14

This Title IX amendment was introduced by Senator Birch Bayh and was soon poplularly called the "Bayh Amendment." Single-sex clubs and private organizations connected with public schools flooded the HEW office with queries of their possible Title IX "exemptions." HEW ruled that Title IX does not apply to any private organization that does not receive "significant assistance" from a school system receiving federal funds.

Roy McKinney, acting director for the Higher Education Division, OCR, said in April, 1976:
"Unfortunately, it is not possible to outline every type of assistance which would be considered 'significant.' Each case will have to be decided on its own facts. Certainly, if the organization could not exist in its present form but for the assistance, it would be considered significant."

He also said that the exemption was limited primarily to social organizations, confirming, in his opinion, the intent of Congress that only professional and service organizations are subject to the mandate of Title IX which prohibits sex discrimination.

With the passivity of the Ford administration and the passage of the "Bayh Amendment," Title IX's effectiveness in prohibiting sex discrimination in extracurricular activities was further diminished.

Soon Title IX rulings on clubs and private organizations included the exemption of the American Legion's Boys' State and Girls' State programs, boys-only Key Clubs sponsored by Kiwanis International, the Future Business Leaders of America's "Mr. and Ms." scholarship awards. A later exemption also included father-son, mother-daughter events.

Considered "significant assistance" is a club or organization that regularly uses school facilities, receives funding from the school recipient or the services of administrative staff, as in school sponsors. Allowing the club the use of a faculty sponsor, copy in the school catalog, special honors for the club members, or the use of school funds for mail service is also interpreted as "significant assistance" and thus disallowed under Title IX. The lack of clarity and consistency in the rulings offers hope to those school systems that endorse sex-discriminatory organizations for their students.

Findings of certain sex-discriminatory practices of organizations in districts monitored are reported in this section. Recommendations for change are included in the Policy Recommendations section of this report.

"I'm not sure a boy couldn't be in 'Future Homemakers of America' if he wanted to...out of his course in 'Bachelor Foods.' "

...School System Administrator,
Russellville, Ark.

ARKANSAS

In **Russellville, Ark.** the drill team, cheerleaders, majorettes and "Team Steppers" were all female. The Lettermen's Club and the Fellowship of Christian Athletes were all male, since there had been no athletic programs for women students at Russellville High.

The Future Homemakers of America was composed entirely of young women and restricted to them, according to the student handbook, though one school administrator speculated that a male could "get in the club" because of the prerequisite course of Bachelor Foods, a Title IX violation merely on the basis of the course title. The high school principal said that the Fellowship of Christian Athletes, nationally, is divided into boys' and girls' "huddles."

"We just have the boys' huddle here," he said.

A student told monitors: "When recruiting for cheerleaders, the school specifically asked for all interested *girls* to gather in the gym."

The junior high principal said, "The letter of the law has some difficulties. The fact that we may still have some classes (and activities) that are boy or girl oriented would simply mean that either by the nature of the activity or practice over so many years the condition would exist, rather than due to non-compliance...we are certainly not going to be guilty of forcing this situation."

A female student at Camden High, **Camden #35, Ark.,** was well informed

about Title IX and its meaning for women. She was also a member of the American Legion sponsored Girls' State organization and had received her information about Title IX from a speaker at that single-sex club's meeting. Ironically, exempting Girls' and Boys' State membership from Title IX did little harm to this young woman who gained knowledge of her rights under the law in the "exempted" organization's programming. Another student told monitors that Camden High selects four boys to attend Boys' State each year, two girls to attend Girls' State.

The Camden High School handbook designates the following single-sex clubs: Future Homemakers of America for girls; the Girls' Glee Club, the Girls' Athletic Association, a Pep Club for Girls. Designated for boys are the Gleemen, the Lettermen's Association, and the Anchor Club.

In **Harmony Grove #1, Ark.,** the student handbook contains the following:
"Our chapter (of Future Homemakers of America) is made up of *girls* who are currently enrolled or have been enrolled in home economics."
The Lettermen's Club is explicitly described in the same handbook "for *male* students who are lettermen of an athletic activity."

"The duties in safety patrol are too hard for girls."

...Middle School Student, **Greenville, S. C.**

SOUTH CAROLINA

A student at **Greenville, S. C.,** middle school said school rules limited audio-visual assistants to males. He also explained that the duties (unspecified) of the safety patrol were too difficult for girls, who were excluded from participation.

A high school teacher in Greenville said: "These young ladies have been carefully indoctrinated so that by age 14 or 15, many are their own worst enemies."

The school catalog in **Sumter #17, S. C.,** specifies a "Female Concert Club" and a corresponding "Male Concert Club." There is also a "Girls' Small Ensemble," a performing group of 18 female students that has no male counterpart. The handbook listed a Girls' Drill Team, and students told monitors about an all-female community service group named "The Heartbreakers." According to several respondents, the district sends representatives to Palmetto Boys' State annually, but none to Girls' State. The principal of the Council Street campus said the school had "no policy on single-sex clubs."

Students at Morrison Elementary in **Pickens County, S.C.,** reported that boys' and girls' 4-H groups met at the school. They reported that the principal (male) favored boys for extra jobs, like raising and lowering the flag, moving chairs, carrying books—another example of male administrative attitude of "chivalry before equality." The majority of helpers in audio-visual were male, and, in the library, female.

Cheerleaders, in **Rock Hill, S. C.** were all female. Students reported three drill teams, one for boys, one for girls, and one comprised of both sexes. "The better members get on the mixed team," they said.

ALABAMA

The Title IX coordinator in **Homewood, Ala.,** told monitors that all school activities were integrated. Students at Drake Middle School in Auburn, Ala. described a situation in which federal funds were being used directly to discriminate on the basis of sex. The school's Title I ESEA program (in compensatory education) offers a girls' "charm club" and boys' "charm club." The single-sex clubs are designed to make education more interesting by taking students to places of interest to them. Examples of field trips for club members were taking boys to a ball game and girls to a beauty shop. The Homewood cheerleaders squad and flag corps were all female, although students reported that boys could try out.

The **Auburn, Ala.** high school student handbook, 1975-76, listed activities clearly planned to be single-sex: Girls' choir, the Girls' Athletic Association, "to give all girls an opportunity to participate in extracurricular athletics," and the Future Homemakers of America, "an organization of girls in grades nine through 12 who are taking or who have had one year of home economics." The Future Farmers of America was all male, with the prere-

quisite of a course in agriculture.

Ten Auburn High students interviewed cited changes in the extracurricular programs in 1975-76. Cheerleaders, drum major and drill team members were being voted on by the student body, there was a boy in the cheerleading squad, girls in the ROTC drill team, and a female drum major for the "B" band.

The Auburn High principal admitted that the Girls' Athletic Association was not in Title IX compliance, but explained that its purpose — to promote athletic participation among girls — was necessary to bring about compliance in athletics. The Title IX coordinator told monitors that all single-sex clubs were "legitimate," and the superintendent said single-sex clubs, to his knowledge, were those exempt under Title IX.

A female elementary school principal said she and her school's teachers were becoming aware of discrimination in "the ways children are handled," citing assignments of jobs and materials used. She said they were "making adjustments." Middle school students complained that girls were never called on to empty garbage cans or unpack boxes.

That the exclusion of Boys' and Girls' State from Title IX coverage was unwise is supported by student experience at Auburn High. Though not the only district monitored where boys' participation in attendance exceeded girls, statistics showed that in 1974-75, eight boys attended Boys' State while only one girl was selected by the high school faculty to attend Girls' State. The purpose of the program, as outlined in the Auburn student handbook, is to provide "opportunities to learn at first hand the manner in which our government operates on its various levels and to better understand our duties as a citizen of the State of Alabama and the United States."

MISSISSIPPI

Schools in **Jackson, Miss.,** continued numerous single-sex activities in the first year of Title IX implementation: cheerleaders, majorettes and pep clubs. Students in several schools told monitors that only girls worked in the school cafeterias. As in other districts, the exclusion of such organizations as the YMCA from Title IX coverage severely limits possibilities for females. As cited in the chapter, "Athletics," the only athletic programs offered students at Casey Elementary in Jackson were through the local YMCA. The program in 1975-76 was for boys only. An identical situation was found at Green Elementary School in Jackson, and although athletic meets and teams for boys were sponsored by the YMCA, some activities were held at the schools, recipients of federal funds, certainly an example of "significant assistance."

In **Oxford, Miss.,** a junior high student reported a Hunting Club for male students which has a school sponsor. At the high school, there is a Girls' Christian Service Organization.

Monitors found all girl cheerleaders and an all female majorette corps at Oxford Junior High. The superintendent of the Oxford school system said there were no sex-segregated clubs and that therefore there would be no efforts made to eliminate them.

"Washing windows is a fun job."

...Male Fourth Grade Student,
Starkville, Miss.

In **Starkville, Miss.** for boys only, there is a lettermen's club called the S Club. Only boys are selected to wash windows at the elementary school, "a fun job," according to a fourth grader, but both girls and boys "get to dust the erasers."

In **Franklin County, Miss.,** where a number of single-sex organizations exist, officials interviewed said either that the district and/or school had no policy regulating one sex clubs, or that no steps were being taken to inform students that clubs were open to both sexes.

The district's self-evaluation indicated that VICA (Vocational Industrial Club of America) has a 20 per cent female membership. Officials and students interviewed said the VICA's membership is all male. The following organizations were for girls only: Future Homemakers of America, HERO (Home Economics Related Occupations,) and cheerleading. Future Farmers of America was all male. Students reported that school jobs are defined by sex, with boys performing such tasks as mowing the grass, girls working in the lunchroom.

GEORGIA

As noted elsewhere by monitors, cheerleading is offered as a physical education course, for girls only at the high school in **Worth County, Ga.** It follows that the cheerleading squad is all female. A male student reported that the drill team is also female.

"I heard that a girl could go out for any activity that a boy could...this hasn't had any effect on me."

...Tenth grade girl,
Valdosta, Ga.

Although there was general agreement among most students and officials interviewed that club memberships are open to both sexes in **Valdosta, Ga.,** many clubs continue to not only be single-sex, but in some cases, single-race. For Title IX compliance in the area of extracurricular activities, the need exists in Valdosta for affirmative action by school officials.

An all-girl club called "Pams" has all black membership and meets at the school. Junior girls belong to the Harambee Club. The Jazzmen Club membership is composed of black junior and senior boys and has a school sponsor. Membership is limited to girls for the band's flag corps, to boys for the band's honor guard. The cheerleading squad is all female, but one student said "boys were allowed to try out this year."

LOUISIANA

Captain Shreve High School in **Caddo Parish, La.,** had numerous single-sex extracurricular activities: for girls, Astra and Z Clubs, Ad Staff, Cheerleaders, Pep Squad, Flag Corps and majorettes; for boys, drill team, Boys' Special Forces, Al-E-Gator Club.

CODES OF CONDUCT AND DRESS

Title IX prohibits sex discrimination in rules of behavior and punishments for violations. Also, different rules of appearance for male and female students are prohibited.*

"It's just better to have the choice."

...Senior Female Student, **Camden #35, Ark.**

Discrimination in discipline was a major issue among students interviewed in **Camden, #35, Ark.** A male high school student made this comment: "Lately there's been some disagreement about the fairness of guys taking licks and girls having no choice."

"The girls have to stay after school (for discipline,)" explained a female senior, "so if we have other plans, they have to be cancelled. If I had the choice, I'd have taken licks on all occasions."

Another senior girl said the different rules for sexes in discipline causes a problem for girls who are required to stay after school for detention hall.

"Sometimes if a girl could take licks, it would be better," she said. "It's just better to have the choice."

According to the **Camden #35** student handbook, boys specifically are not allowed to wear their shirttails out, a discriminatory rule. The superintendent told monitors that the district's dress code is in Title IX compliance.

Though hats are forbidden generally for students in **Harmony Grove #1, Camden, Ark.,** the dress code makes an exception permitting girls only to wear "knit hats." Since knit hats have become a popular mode of dress for black males, this report finds connotations of racism as well as sexism in this discriminatory practice. The superintendent told monitors there was no discrimination in the school's dress code.

In **Sumter #17, S. C.,** most parents and students interviewed said the dress code was different for boys and girls. The dress code issued in the Sumter High School student handbook is specific about sex as follows: "Short pants or tank tops may not be worn by boys." The most discriminatory policy in this area prohibits boys to wear their hair braided—a rule that this report concluded was aimed at black students.

*See Addendum C, Subpart D, Section 86.31.

"The coach uses a broom to discipline boys."

...High School Female Student, **Pickens County, S.C.**

All students interviewed at the elementary, junior and senior high levels in the Daniel Attendance Area, **Pickens County, S.C.,** reported that boys are punished more often than girls and more severly. A high school student told monitors that the coach used a broom to discipline boys, and she had never known a girl who received corporal punishment. Queried about the dress code, students at Edwards Junior High in the Daniel Attendance Area said boys were required to wear socks, girls were not.

The student handbook in *Homewood, Ala.*, contains the following Title IX violation:

"For boys, hair must be kept neat and clean at any length. A student will lose this privilege if he becomes a discipline problem."

Both the Title IX coordinator and the incoming superintendent told monitors that the Homewood schools had no dress code, maintaining that there was no problem in that area to be examined in their self-evaluation. In addition to the above excerpt from the student handbook "dress code," boys (but not girls) are required to have shirts tucked in, wear socks, not wear hats, and are forbidden to wear sleeveless shirts "without other shirt." Dress code discrimination is limited to males in the student handbook.

Auburn, Ala. was one of several districts where students expressed awareness of discrimination in the kinds and amount of disciplinary measures used according to the students' sex.

Auburn High students interviewed told monitors that corporal punishment was not administered to girls, and one girl said she would prefer "taking licks" than staying in detention. Boykin

Elementary students said boys received harsher punishment, although both sexes received corporal punishment. At Auburn Junior High, students reported that though both sexes received corporal punishment, girls were more likely to be given a choice of "licks or detention."

A dress code was distributed in the **Oxford, Miss.,** student handbook for 1976-77, though officials interviewed were in disagreement whether or not a dress code was enforced. However, monitors found that the handbook, containing the dress code was distributed in the spring of 1976, containing the following discriminatory rules: restrictions on length of boys' hair but not girls', permission for boys to wear sweat shirts, but not girls. A letter to parents contained similar provisions but carried an additional ban that girls were not permitted to wear shorts, unless worn under a dress. Boys were allowed to wear "bermuda shorts." In the handbook, "one piece gym suits" are specified for girls, but not for boys.

"There's no dress code problem. There've been no complaints."

...Superintendent, **Starkville, Miss.**

The superintendent in **Starkville, Miss.,** maintained that each school in the district provided and enforced its own dress code, leading to his statement that "there's no...problem." However, there was a dress code published with different provisions for males and females. A school board member told monitors that there was a code but not an enforced code.

The published dress code included the following provisions: boys in grades 1-5 were permitted to wear "bermuda shorts," girls were not, unless under a dress for "PE, Climbing, etc." Girls were permitted to wear only "shirts styled for girls."

High school students in Starkville said girls were not permitted to wear number jerseys, but according to the dress code, neither sex was allowed to wear them. The students also told monitors that boys whose hair was "too long" were told to get it cut or face expulsion, but no one knew of any boy who had actually been expelled.

In **Franklin County, Miss.,** violations of the dress code carry a one day suspension. "Boys' hair will not be below the collar nor will the side burns be below the ear lobe. The hair will not be over the ears or eyebrows."

The concluding rule is probably, according to local monitors in this area, aimed at black male students only: "Boys will not plait their hair."

The dress code published in the student handbook in **Worth County, Ga.,** does not indicate any overt discrimination on the basis of race, but a school board member said that "boys must wear their hair above the collar and black males are not allowed to wear their hair in plaits, or corn rows."

In **Valdosta, Ga.,** all students interviewed responded that the dress code includes different regulations for boys and girls in such areas as hair length. The superintendent corroborated this. Also all students interviewed told monitors that corporal punishment is allowed for males, not for females. Male students in **Caddo Parish, La.,** are not allowed to wear shirt-tails out or go to school without socks. There are no similar restrictions for girls.

5. EMPLOYMENT OPPORTUNITY

School systems that receive federal financial assistance are required by Title IX not to discriminate in hiring or recruitment on the basis of sex. Salaries for the same or comparable jobs and/or responsibilities must be equal for men and women, and all employment decisions must be made in a nondiscriminatory manner.*

The decline in numbers of female principals at the secondary level during recent years was evident in many districts. The situation warrants not only remedial and affirmative action for Title IX compliance but also an assessment of racial implications.

Female principals who resigned during the years after school desegregation have repeatedly been replaced by males. Statements by both teachers and administrators reflected opinions that men, not women, were qualified to cope with "disciplinary problems at the secondary level."

The question needs asking: is the man's presence in school leadership largely for physical protection of women and children? Is this reasoning, whether conscious or unconscious, a holdover fear of black males associating with white females? Is racial segregation in fact being supported by placing white males in principalships?

*See Addendum C, Subpart E, Sections 86.51 through 86.61.

"This means men will get more."
...Director, Vocational Ed Center
Oxford, Miss.

MISSISSIPPI

Oxford, Miss. showed the most blatantly discriminatory policy on employment of all districts monitored. The following is excerpted from a two-page "Criteria for Employment" furnished all teacher applicants:

Sex of teacher. For initial or continued employment, men will be given preference over women.

Occupation of spouse. As a measure of intention to become a permanent resident of the community, of those persons who have spouses, preference will be given to a person whose spouse is occupied other than "student."

OCR has clearly stated that "employment practices/procedures as they relate to the potential or actual marital, parental, or family status of an employee or applicant for employment are prohibited."

A teacher interviewed said:
"According to the qualification sheet I read before being hired, the school officials said that men would be preferred over women in consideration for jobs. I made a comment about this and the official said that no one had challenged the statement—therefore, it was okay."

The district has had no female principals since the only previous one retired in 1975. An elementary principal commented that he worked "in a woman's world," since the majority of teachers he "administers" are female.

"There is a preference for males and older, more experienced persons," a teacher's aide said. "But this is indicated at the time of hiring."

The director of the Oxford-Lafayette Business and Industrial Complex, where high school students take courses, admitted that male vocational education teachers are paid more, explaining that men recruited from the industrial market to teach at the school usually have a qualifying background of higher salaries.

"This means men will get more," he said. Title IX requires that salaries for the same or comparable jobs and same or comparable responsibilities must be equal for men and women.

From a teacher came the often heard complaint:
"Males are generally paid more, but they get coaching supplements in addition to teaching."

"I don't know of too many ladies who are qualified administratively."
...Member of the School Board,
Starkville, Miss.

Starkville, Miss. has no female principals, and a woman who began teaching there in 1924 said she had never seen a woman principal or assistant principal in the system. There has been at least one, however. A woman who assumed the principalship of a black school in 1970 was guaranteed by the superintendent when appointed that she would never be demoted. When the schools integrated, however, she was demoted to classroom teacher. She reapplied for a principalship, was not considered for an administrative position. At the time of demotion, this woman had 16 hours toward a master of science degree in administration but changed her major to elementary education when assured there was no room for her at the top.

"I don't know of too many ladies who are qualified administratively," a school board member said. And the superintendent, when asked why there were seven male principals in the system and no females, replied:

"I wouldn't comment. I would turn it around: 'To what would you attribute the large number of women teachers?' "

His riddle unanswered, he said:
"We do encourage women as administrators, but we will not have a quota system. If six women apply for principal and one man and the man is the best qualified, we will hire him."

At a meeting with the superintendent in the spring of 1976, a member of the personnel policies committee said that the superintendent announced he was "going to groom a lady for principal."

A white male elementary school principal said he did not think a woman would want to be a principal. "Women are going out of school work because of problems with integration," he said.

All teachers interviewed said certain positions in the district were reserved for men. Some cited "tradition" as the reason; others thought there was an implied policy of hiring only men for such positions as superintendent, assistant superintendent, principal, coach and other top administrative jobs. Whatever the reason, statistics show only one female administrator in the entire district.

This woman was said to have a doctorate and her position is supervisor of the Learning Disabilities Program. A teacher said however that this lone female administrator "isn't really the boss of the department."

Describing her as a "pseudo-supervisor," she said: "The superintendent and his male assistant are the real bosses."

Black teachers interviewed contended that blacks had less opportunity to be hired on any level, regardless of sex.

There were no women principals or assistant principals in the nine junior high and seven high schools in **Jackson, Miss.** Of eleven administrative departments in the public school system, only two department heads were women. Six of 30 elementary school principals were female.

A junior high school principal said that no women wanted to be principals at the secondary level, but added that the district was actively seeking black female principals. Since the district was under court order to equalize opportunity on the basis of race, this comment suggests that the old ploy of a black woman representing both minorities would be utilized.

"Men provide a father figure and are a better inspiration..."

...Member, Board of Trustees, **Jackson, Miss.**

Jackson, Miss., statistics on employment substantiate a trend noted in numerous districts monitored: a steady decline in the number of females in school administration.

The Title IX coordinator, one of two women in the district holding administrative positions, was quoted as saying that "no one deliberately sets out to discriminate, but they have a blind spot. People often think the 'best-qualified' automatically means white, male, 30-ish, married."

She said that at the elementary level, women principals are being replaced by this type of male.

"I'm not saying they're not qualified, but there are plenty of qualified women, too. The number of women principals is decreasing."

OCR takes the position in Title IX enforcement that, of qualified applicants for particular positions, men and women should be selected in reasonable proportion to their availability in "the labor pool." Selection of applicants should reasonably reflect the proportion of men and women in the applicant pool at the time of selection.

Jackson, even under OCR's less than forceful interpretation of the law, is in violation of selecting applicants equally on the basis of sex from the labor pool.

Special discrimination is experienced by non-academic employees who are poor and/or black—and who also happen to be female. In rural **Franklin County, Miss.,** women in non-academic positions (namely, custodial) are allowed to work only five hours a day, and neither sex is provided fringe benefits of any kind. A black woman janitor said that a man with her job and the same responsibilities would make a higher salary.

"But we, women, are just allowed to work part-time anyway."

A black janitor (male) reported that custodial employees do not participate in the group insurance plan and receive no leaves of absence for sickness. The employees had not been asked to contribute suggestions for improving equal opportunity, but said they would (if asked) request vacation time, pay increases, and the opportunity to work more hours.

The district is in Title IX violation by requiring job applicants to state marital and parental status. There are no female principals. The **Franklin County, Miss.,** district publishes qualifications for vocational education personnel that are gender-specific for some positions and not for others, indicating a clear sex preference if not an outright qualification. For example, the home economics teacher, agriculture teacher, and director, counselor, vocational trade teachaer, agriculture teacher, and occupational orientation teacher are referred to by the masculine pronoun.

Several teachers related the recent incident of a woman, fully qualified for the position of principal and in line for the administrative position, being passed over for a man. Her consolation prize was the position of "reading supervisor," making her the only female administrator in the district. All principals are male.

"I've told you more than I know already. We don't intend to discriminate if we know it. It's often hard to know if you have and prove that you haven't."

...School Board Member,
Pickens County, S.C.

SOUTH CAROLINA

There was only one female principal of a secondary school in the five **South Carolina** districts monitored. There were over 40 male principals.

A high school teacher said that every female administrator who had retired in the past few years was replaced by a male, a trend noted throughout this report suggesting racial reasons cited at the beginning of this chapter.

Affirmative action in the area of administrative jobs for women is strongly indicated to bring these districts into Title IX compliance. Few women pursued administrative courses in college because of a realistic view of their job expectations, but even those with the courses required for certification in administration have repeatedly been denied, with available posts given to men.

A teacher in the **Greenville, S.C.,** district recalled being advised by her principal to obtain certification for an administrative position. She noted, however, that there were well-qualified certified women already in teaching positions while men of less merit and experience were being hired for administrative positions. This realistic assessment of the situation at her school did little to encourage the teacher to obtain certification. The Personnel Director at Greenville told a female applying for an administrative position that she should write a monthly letter of application "since those letters usually get lost."

One teacher said that only persons already hired as administrators are offered tuition at district expense for courses required for certification.

"Since these persons are usually men, women seeking administrative positions are not given this assistance."

Another teacher said that since the criteria for hiring in a particular position are not known, an applicant never knows why he or she is not hired.

Apprehension was expressed in some districts that aid to teachers seeking administrative training would cease if the aid must be non-discriminatory.

A teacher in **Sumter, S.C.,** said:
"Until recently, men were helped financially to get masters degrees. Women who asked were refused. Now they don't help anyone."

The superintendent in the same district said that because there had been no written or unwritten discriminatory employment practices, there would be "no affirmative steps to re-evaluate and change promotion policies."

The Sumter, S.C., district's policy on "Personnel Goals and Objectives," (September, 1975) reads, in part:
"It shall...be the policy of the Board to seek and to hold the highest qualified personnel for all professional, paraprofessional and non-professional positions.

"The Board shall also seek to establish those personnel policies that will enable staff members to make their fullest contribution to the programs and services of the school system and to establish equitable salary schedules which shall pay employees according to their position, experience and services rendered."

In a district where most teachers interviewed had been inadequately informed about Title IX, this policy insufficiently states that the school board treats employees equally on the basis of sex. Like policy statements in most districts monitored, it seems deliberately formulated to obscure the idea that employees are entitled to non-discriminatory treatment.

"I believe administrators personally encourage people to become administrators, even hand-pick them, and rarely is this person a female."

...Teacher, **Greenville, S.C.**

In the **Greenville, S.C.** district, there are 19 female elementary school principals, 39 males: no female middle school principals, 15 males; one female secondary principal (the only one in S.C. districts monitored) and 14 males. The Title IX coordinator said the reason for the scarcity of women in administrative positions was due to "a lack of applicants with certification."

A male elementary teacher said that opportunity for women to advance was present in the system but that women did not pursue this opportunity.

"They have family responsibilities," he said. "Many consider their income to be secondary and supplemental to their husbands."

In a curious contradiction he went on to say he had just completed his own training in the county to qualify in administration and "there were an equal number of males and females in the training program." He said that at Furman University's administrative program there were more women enrolled in courses than men. The head of the graduate department in the administrative program was a woman, "and she recruited more women than men."

His interview indicated that women were eager to obtain certification in administrative positions, and employment statistics suggest the frustrations of these certified women.

Another teacher said that leadership training offered on an open basis is a new development. Recruitment has traditionally been male-oriented, she said, and women were not aware of their eligibility until recently.

An example of personal frustration is the case of a female math consultant who was considered by other teachers to be superior in the department. The male math teacher, her administrative superior, was recruited out of the classroom into an assistant principalship, though not certified.

The woman consultant immediately applied for the teaching position and apparently was not considered.

"The job was given to a man outside the district. His work is far inferior to hers," a teacher reported.

"Men are offered extra jobs which are reimbursed. Women are offered extra jobs which are not."

...Teacher, **Greenville, S.C.**

Unequal compensation was frequently attributed to coaching supplements in all districts monitored. It is significant that male students expressing interest in elementary education and athletics are often discouraged, because coaches are recruited at the secondary level.

"Male athletic coaches receive pay supplements," a teacher reported. "Although a comparable amount of time is contributed by women staff members (drama coaches, department chairpersons, yearbook advisors, cheerleader coaches and class sponsors) they are not compensated."

Men with coaching credentials are given preference in hiring in almost all districts monitored. Apparently coaching expertise is also a positive credential for administrative positions. An elementary teacher in the **Daniel Attendance Area, Pickens County, S.C.,** said most of the administrators in her district are former coaches.

Compensation varied according to the considered importance of the boys' sport, one teacher said, and there are other "little jobs," like selling tickets to athletic events, which offer small renumeration and are accessible to men only.

One male teacher had a unique complaint. It involved extra compensation for women:
"Schools always have a fund called The Sunshine Fund, supported through contributions from faculty. It's used exclusively for maternity gifts and showers for females. I have never been recipient of anything associated with it for eight years."

"The pay...is low, especially for a man."
...Teacher, **Auburn, Ala.**

ALABAMA

Auburn, Ala. city schools have three female principals at the elementary level, two male; both principals at the junior high and high schools are men. The only women in the central office were secretaries, when the monitoring survey was done, and women obviously had poorer opportunities for administrative positions at the high school level. Though women interviewed reported being told that being female would negate their consideration for administrative position, a 1977 followup by monitors turned up a positive development. A woman who holds a doctorate and credentials elsewhere in administrative work was hired as assistant superintendent for curriculum, a central office staff position.

Since Title IX had received little consideration by Auburn school officials when the monitoring project began, it is reasonable to determine that this appointment was a result of efforts to comply with the regulations.

An elementary teacher in Auburn expressed the opinion that a man had equal opportunity in pre-school or elementary teaching, but said:
"A man would probably be an elementary teacher as a stepping-stone to a principalship or other administrative post. The pay for elementary teachers is so low, especially for a man."

The statement reflects an attitude found in several interviews in the southeast that some women accept the traditional policy of higher pay for men as "a way of

life." A lifetime of such indoctrination has taken its toll of a few, though not the majority, of women in education.

"I hope Title IX will be enforced fairly so we won't see more benefits going to females."
...Male teacher, **Auburn, Ala.**

Monitors in Auburn reached a familiar conclusion, found in many districts, that principalships for women at the junior high and high school levels were doubtful. They cited numerous opinions that a man was needed to maintain discipline at these levels. Also like other districts monitored, there were "plans" to eliminate questions about marital status from application forms, (according to the Title IX coordinator.) No explanation of delay was given, but indications were that monitoring was the impetus for this district, like many others, to take a first look at Title IX's existence and how it might affect the school system's operation.

Teachers reported that women were compensated less than men, often citing coaching supplements. One teacher said female principals were paid less than men, but this allegation could not be verified by monitors, since a salary breakdown was not made available to them.

The Title IX coordinator in **Homewood, Ala.,** said the fact that the district has four male principals and only one female is attributable to a lack of certified women. This was puzzling to monitors, who were also informed that all Homewood teachers were encouraged to continue their educations and obtain administrative certification.

Coaching supplements were a predictable factor in compensation inequality.

The district's sports coordinator said: "Coaches are paid according to the number of sports they coach. And sports requiring more monetary outlay pay coaches more."

As cited in the Athletics chapter of this report, boys' sports, coached by men, comprise 80 per cent of the athletics budget in the Homewood schools.

LOUISIANA

In **Caddo Parish, La.,** there was a similar rationale for separate and unequal compensation. The Title IX coordinator said that the only discrepancy in compensation he had noticed was in the area of coaches' salaries.

"There are no paid female coaches," he said, "but none have applied for coaching football, either."

"It might strain a home relationship."

...Male Elementary Principal, **Russellville, Ark.**

ARKANSAS

Sex stereotyping as a way of life in Arkansas deprives women of equal employment opportunity at almost every level in public education. Enforcement of the employment regulations of Title IX needs forceful and immediate attention in all districts monitored.

In **Fairview District #16, Ark.,** no woman had held the position of principal in the district's history. There were no female principals in **Harmony Grove, District #1, Camden, Ark;** all middle, junior high and senior high principals were male in **Russelville, Ark.** In **Camden #35,** male administrators said that one female principal to four males was easily justified: "Women lack interest and training."

The **Russellville** superintendent said there had been few women applicants, few certified to be principals.

"Also, custom has played a role. A man in education strived to get into administration for financial reasons, whereas women were content in the classroom."

Several teachers expressed discontent. A black faculty member is a social worker who covers the entire district. She has a BA in sociology and seven and one-half years experience. Her salary is far below that of a beginning teacher with the same qualifications in her field.

Monitors reported that administrative positions in Russellville are passed about among the politically active in the faculty. Teachers are selected out of available applicants quietly, without public notification of available vacancies. Blacks are not encouraged to apply for any professional position.

Apparently no woman, black or white, was encouraged to apply for an administrative post.

A male elementary principal attributed the lack of female principals to the prevailing attitude that "we need big tough men to deal with older students."

His interview also turned up a rationale for denying females equal employment opportunity, one unique in the monitoring survey. He maintained that if women were hired on an equal basis with men, "spouses would have to be considered."

"It might strain a home relationship," he said. "More possibilities would have to be weighed, and there would be problems 'teaming' males and females."

Employment policies published in **Camden District #35, Ark.,** cited June 15 as the deadline for an employee's request to resign after having signed a contract for the next school year. Exceptions to this policy are in cases of severe illness or "if the teacher's husband is transferred."

Discriminatory language appears throughout job descriptions, with administrative personnel, including superintendent and principals, always referred to as "he." This is obviously not a case of traditional use of the universal pronoun. Secretaries are consistently

described as "she," and the following is the description of the duties of the secretary to the superintendent:

"She shall assist the Superintendent by relieving him of administrative details and by performing related work."

Unequal salaries for men and women are evident throughout the Arkansas districts monitored. OCR requires enforcement of the law as follows:

"Salaries for the same or comparable jobs and same or comparable responsibilities must be equal for men and women."

In **Fairview, Ark., District #16,** no woman with a masters degree makes more than $10,500 a year, and this includes the supervisor of reading, who with an ME and nine years experience makes $10,420. The male guidance counselor with three years experience and an MSE makes $10,932 and the male Title IX coordinator, with an MA and 18 years experience, makes $15,216. The special education supervisor, a woman with five years of college and fifteen years experience, makes $12,000.

A woman teacher holds the highest degree of any teacher in the school, an EDS. She has 24 years experience and her annual salary is $10,500. Her principal has an MEd., seven years experience and makes $14,520.

A major component in equating salaries, commensurate with responsibility and jobs, is the fact that women—though with advanced degrees and tenure—are passed by when "titles" are handed out.

Coaching is worth money, and women are seldom if ever given the opportunity to add coaching duties (and supplements) to their jobs as teachers. A man with a BSE and eleven and one-half years experience who teaches and coaches receives $12,168. A woman classroom teacher with the same degree and experience makes $9,732. A man with a BSE and three years experience who both teaches and coaches makes $10,500—the same salary made by women with 25 and 28 years respectively who have masters degrees. The only woman coach listed in the salary schedule, with a job description similar to the male coaches, makes $9,480.

Administrative jobs, vocational ed teachers, coaches and band directors—male by policy and tradition—are the positions commanding the highest salaries in **Fairview, Ark.**

The superintendent blamed women's lack of certification qualifications for their absence in school administration, but female teachers repeatedly charged that, if certified, administrative doors would remain closed to them. The superintendent and the Title IX coordinator pointed out the existence of women "supervisors" in the administration. According to records obtained from the county treasurer's office, the "cafeteria supervisor," a woman, makes $5,340 a year; the supervisor of special education (female) makes $12,000, which can be compared to the Title IX coordinator's salary of $15,216 since they have comparable education and years of experience. The supervisor of reading (a woman) makes $10,420, compared to the assistant high school principal (male) who with a comparable degree and years of experience makes $13,272.

"They seem to think men are smarter."

...Teacher, **Harmony Grove, Ark.**

A decrease in the number of women principals since school desegregation was reported in Arkansas districts as it was in other southeastern states monitored. In **Harmony Grove #1, Camden, Ark.** the decrease seems to extend to teachers.

"Five female teachers were let go last school year," a teacher said. "Four men were hired and one woman to replace them. They seem to think men are smarter and can teach in any situation."

The superintendent and a board member attributed exclusively male principals to a lack of applications from qualified women, but another teacher disagreed:

"The superintendent is defintely resentful of women in any aggressive role, resisting suggestions by female teachers even when tendered tactfully. Yet, when approached with identical ideas by a man, he often not only will listen but agree."

This woman is working on her masters with six hours in administration, but she said she is not being encouraged by the superintendent.

"They (the administrators) are patronizing to women, will not delegate authority to a woman."

Salaries in **Harmony Grove #1, Camden,** for teachers with a BA have a base of $6240 and $6540 for those with a masters degree, with $50 added for each year of teaching experience. Exceptions to the rule (and additions to salary) are added increments for administrators, supplements for coaches, not available to women. Economic advancement in the **Harmony Grove** school district would seem to depend exclusively upon sex.

Thirty-two per cent of the males employed in an instructional capacity in **Camden District #35, Ark.,** schools in the middle through the senior high schools are designated as "coaches." No women are so designated. Male coaches include men who teach social studies, history, civics and drivers' education.

OCR interprets as follows:
"Selection of coaches may not be made on the basis of sex even if the students are all of one sex in the particular sports for which coaches are hired."

A female teacher in **Russellville, Ark.,** said that a woman's choice is "not necessarily" as good as a man's to be hired as a high school teacher, that it depends upon the field.

"For example, if a social studies teacher is needed, a male would most likely be hired since he would also qualify as a coach."

Another teacher said that salaries are often decided on the basis of sex if two married persons are employed by the school system.

"I think there is a tendency to give a woman a lower weight scale if her husband is also employed in the system...it is looked at from the standpoint of the combined husband and wife income, rather than individually."

OCR in its interpretation concludes that: "A nepotism policy is permissible only if it impacts equally on members of both sexes."

The superintendent, Title IX coordinator and chairman of the school board in Russellville were asked this question: "Are you taking any affirmative steps as a result of Title IX to re-evaluate and change your promotion policies?" Their unanimous answer was "No."

"...Discipline is...important... and the male image is necessary..."
...Teacher, **Worth County, Ga.**

GEORGIA

There were no female principals in the **Valdosta, Ga.,** school system during monitoring, but plans were to hire a woman principal in one of the seven elementary schools in 1976-77. No affirmative action was indicated in promotion of women to administrative positions, and the superintendent expressed reluctance to place a woman in charge of a secondary school. He admitted that sex discrimination exists and went on to say that the basic philosophy and intent of Title IX was mandatory. He said sex discrimination would be "slowly removed to the extent that citizens' groups pursue this goal."

"Educating people toward this goal is going to have to take place in the home, in the schools and all other community agencies and organizations," he said.

The superintendent attributed the absence of women in administration to "no applicants." He also expressed the opinion that a woman "should be motivated and prepared professionally." Monitors concluded that his implication was that few women were motivated and/or professionally prepared. The system's lack of affirmative action in this area is in violation of Title IX:
"...Where the recipient (school system) has been found to be presently discriminating on the basis of sex in the

recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past discrimination."

Subpart E, Section 86.53 (a)

A superintendent cannot abdicate responsibility to end sex discrimination in employment opportunity, promotion and recruitment. Affirmative action is the responsibility of the school system and, according to Title IX regulations, is not to be ignored. To bring Valdosta into compliance, the superintendent's placing of Title IX enforcement responsibility on student, teachers and community agencies is insufficient.

The sample of teacher responses in **Worth County, Ga.,** supplied variation from most districts. Monitors selected a majority of male teachers to interview with often interesting results.

All teachers interviewed (both male and female) agreed that a man's opportunities in primary and elementary education are limited. There is no place in preschools for males, said one, because of conservative attitudes toward men and small children. Two male teachers said few men quality to teach the lower grades.

A majority agreed that females have less opportunity to advance administratively. A male teacher said that females lack contact with the "in group" of males, that openings are not posted, and most females are not apprised of job openings. Men are usually hand-picked for administrative positions, a male teacher said, and added that the administration had recently asked seven male teachers to obtain certification for administration, no females.

Administrative bias against women in high position was confirmed by a male teacher who cited the case of a department chairship awarded a man rather than a woman applicant who was better qualified.

"Part of the bias stems from a feeling that discipline is so important and that the male image is necessary to help enforce it," he said.

Another male teacher said that no women are considered for high position. There are three women principals at the elementary level in Worth County, none at the secondary level.

Monitors concurred in the opinion that at least two women at Worth County High School were better qualified to be assistant principal than the man recently named to the job. This new assistant

principal, who had been in the education field for two years, told monitors that his reason for accepting the position was "money."

"He is intelligent, attractive, articulate and charming," the monitor reported, "if these are prerequisites. But we would have preferred a woman who had taught at the high school for eight years or another who had proved her abilities by teaching for sixteen years and serving in the Georgia legislature."

The superintendent and school board member gave familiar reasons for women's unequal representation at the administrative level:
"No applicants," said one.
"No woman is qualified," said the other.

In Worth County monitors heard the recurrent theme of "almost as fairly." One male teacher who said (after seeing the statistics) that women had an equal opportunity for promotion, concluded his interview with this statement:

"In general, treatment of the sexes in the Worth County system is 'fairly equal.' "

His attitude made him a member of a minority group, since few teachers could be located who agreed with him.*

The following chart is based on a small amount of data from the latest EEO-5s on file in the Office for Civil Rights in Washington. Most are for the 1974-75 school year; some are for 1973-74. Although the statistics are dated, they do spell out the very current state of male control in a predominantly female field.

*For additional school districts monitored, see **"Single-Sex Schools."**

EMPLOYMENT STATISTICS - 1974-1975

DISTRICT	PERCENTAGE TEACHERS MALE	PERCENTAGE PRINCIPALS MALE
ALABAMA		
Auburn*	19%	71%
Homewood	13%	80%
ARKANSAS		
Camden	27%	80%
Fairview*	29%	100%
Harmony Grove*	28%	100%
Russellville	28%	75%
GEORGIA		
Valdosta*	20%	91%
Worth County	20%	56%
LOUISIANA		
Caddo Parish*	24%	75%
Jefferson Parish* **	20%	46%
Tangipahoa Parish**	22%	94%
MISSISSIPPI		
Franklin County*	34%	100%
Starkville	19%	100%
SOUTH CAROLINA		
Greenville*	21%	79%
Pickens County	17%	81%
Sumter #2	25%	100%
Sumter #17	23%	100%

*1973 figures
**Single-sex Schools

6. PREGNANCY MARITAL STATUS FRINGE BENEFITS

Title IX regulations provide that a pregnant student may not be discriminated against in any aspect of the educational program. Also, a school system may not discriminate against any employee or applicant for employment on the basis of pregnancy, childbirth or recovery, and the system must treat pregnancy-related conditions as it does any other temporary disability. Discrimination against employees regarding fringe benefits and leaves of absence for reasons of pregnancy or related conditions is prohibited.

Also, a school system shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss" or "Mrs."*

This report coordinates findings in the areas of Treatment of Pregnant Students, Marital or Parental Status regarding employees, and Fringe Benefits for employees, including maternity and related leaves of absence. Findings within these areas are included in this chapter, district by district of states monitored.

*See Addendum C, for Subpart E, Section 86.57; Subpart D, Section 86.40 (b); Subpart E, Section 86.51-86.61.

ARKANSAS

Title IX brought changes in the treatment of pregnant students in **Russellville, Ark.,** according to a junior high school principal interviewed by monitors:

"Prior to Title IX we encouraged the pregnant girl to withdraw from school for the remainder of the semester. There is a pregnant girl currently attending school whom we had encouraged last fall to drop out, but after studying the Title IX law further, we encouraged her to return. Which she did."

A problem noted with maternity policies was that the district will not permit a woman to return to teaching until six weeks after childbirth. Although group insurance covers pregnancy, women must elect and pay for the coverage.

A teacher in **Fairview #16, Ark.** said that maternity leave cases are handled individually, case by case, by the board, though she reported that maternity leave regulations as described in Title IX are now required by state law. She was not allowed to teach the year she had a child born August 27, but said this was because she had a masters degree "and the district was able to get a substitute cheaper."

She said maternity insurance is "optional," paid by the teacher.

According to school board policy in **Harmony Grove #1, Camden, Ark.,** "Teachers and administrators will be granted leaves of absence (pregnancy and sabbatical) if a suitable replacement can be employed."

Job applications require a statement of applicants' marital and parental status, a Title IX violation.

The maternity leave policy at **Camden #35, Ark.,** adopted the year Title IX became law, reads:

"The Board of Education may grant a leave of absence without pay to a regularly employed staff member, who has been employed two or more years, upon written request for such leave of absence, and upon proper certification of pregnancy (include expected date) by the employee's physician. The application shall be filed not more than two months after pregnancy has been determined. The employee shall terminate her work not later than the sixth month of pregnancy."

The Camden #35 district policy violates Title IX in the following ways: (1) accrued sick leave may not be used; (2) it places a condition—years of employment—on her ability to request maternity leave; (3) it requires termination of employment after six months of pregnancy, a condition not medically warranted in most cases and thus arbitrary. Requiring that an application for maternity leave be made not more than two months after a woman's discovery that she is pregnant places an undue hardship. She may be unable to determine on that date when she will want or need to begin maternity leave. The doctor's certification can be legally required since it is also required for other medical disabilities of more than three days.

The district has a separate schedule of policies relating to non-academic personnel (secretarial - clerical staff, operation and maintenance employees, cafeteria employees.) There is no written policy for these employees, but

interviews indicated that they are permitted to work as long as desired and to make their own decisions about time of return after childbirth or related conditions.

A cafeteria employee said: "Hourly employees in this area do not get leave of absence. No pregnancy leaves have been requested. They quit instead."

The written policy on student pregnancy, distributed to students in the handbook, is arbitrary: "Girls who become pregnant will be asked to withdraw when and if the health of the girl or child becomes endangered, or if it becomes disruptive to the education process."

The term "disruptive to the education process" was found in use by a number of school systems. In Camden #35, as in others, the term is not defined.

The student handbook states that married students will be treated like other students:
"The student is not barred from any school activity, as marriage, in itself, is not morally degenerating."

Monitors received no answer to their question of whether the school system's interpretation included the premise that pregnancy would make student marriage "morally degenerating."

"If we have another child, I'd like to apply for paternity leave, just to get the district's reaction."

...Male Teacher, **Greenville, S.C.**

SOUTH CAROLINA

Like all districts monitored, applicants for jobs in **Greenville, S.C.,** have been traditionally asked their marital and parental status. The teacher who speculated about the district's reaction to a paternity leave said that his wife and other females with children are questioned about child care when applying for full-time or part-time teaching positions. Teachers in Greenville on maternity leave are not guaranteed their former positions but are guaranteed a comparable job.

Greenville has a special school for pregnant students. The consultant for accreditation and planning said:
"There is a full range of counseling services for those choosing to remain in regular programs."

Although all officials interviewed said the program is voluntary (students may also elect home-bound instruction) a teacher said: "Female pregnant students are sometimes pressured to go to the alternative school. The principal at Southside High in Greenville would not allow pregnant girls to participate in graduation ceremonies. But this is not widespread."

Interviews with the non-academic employees in **Sumter #17, S.C.,** indicated that if the district had changed its maternity policy to meet Title IX requirements, new policy information was not disseminated.

One secretary explained the contradictory reports on maternity policy this way: "It's the type of thing you read about more when it is needed."

Title IX regulations require that school systems aggressively inform employees of their rights in this and other areas.

Of the non-academic employees interviewed who had information about the current policy, all cited conflicting dates for termination of employment before childbirth. A secretary had been required to quit at eight months, a custodian had a relative who was required to quit at seven months. Another secretary replied "five months."

The superintendent of Sumter #17 told monitors that the maternity leave policy for academic employees was being changed as a result of a complaint by a teacher through the Title IX grievance process. He also said that "everything is offered on an equal basis," as far as fringe benefits are concerned, and that pregnant teachers could use their sick leaves for maternity. However, teachers as well as non-academic employees were generally unaware of the benefits stated by the superintendent. Dissemination of this information was inadequate, as illustrated by the following conflicting reports from teachers interviewed:
"Current policy allows teachers to work as long as they are able."

"Pregnant women are required to quit at the sixth month of pregnancy."
"...eight months." "...8½ months."

"J _____ C _____ adopted a child and was told she could not teach until the child was at least nine months old."

Teachers were in agreement that a job in the system could be expected after a

return from maternity leave, but not before the beginning of the next semester. Teachers must pay extra for maternity benefits. Pregnant students are allowed to remain in school for the duration of pregnancy.

"I don't consider pregnancy an illness. Men don't get paternity leave."

...School board member, Daniel Attendance Area, **Pickens County, S.C.**

Pickens County, S.C., has a Title VII suit pending against the district in the U.S. Fourth Circuit Court of Appeals *(Mitchell v. Pickens.)* A school board member explained the lawsuit to monitors:
"She (Ann Mitchell) said we wouldn't renew her contract because she was a pregnant woman. We said she's pregnant and won't be able to fulfill her contract."

The superintendent said pregnant students were allowed to continue in school, or could receive homebound instruction if they requested it. However, a high school principal said:
"Current practice has been that these students leave in their sixth month."

He also said that "according to state law, married students cannot take part in extracurricular interschool athletics," a discriminatory policy violating Title IX.

One teacher in **York #3, Rock Hill, S.C.,** said about fringe benefits for women:
"You can get as much coverage for pregnancy as you want to pay for."

Another teacher described maternity leave as "termination and possible rehire."

Most teachers agreed that a teacher taking maternity leave will be guaranteed a job, though probably not her old one, upon return. One woman said she would be required to return within 90 days to be assured a contract for the following year. No teacher was aware of any district effort to meet Title IX requirements.

Students both at Sullivan Junior High and in Rock Hill High York #3, Rock Hill, S.C., said that married students are not allowed to play on athletic teams.

The school system's policy on pregnant students in **Sumter #2, S.C.,** raises a unique Title IX policy question:

"Pregnant, married or unwed mothers are not subject to state compulsory attendance laws: however, their rights to attend school shall not be revoked. Such students may choose whether or not to attend school."

The question warrants examination: if all other students under a given age are required to attend school, including fathers, should pregnant students and student mothers be subject to compulsory attendance laws? If having a child "handicaps" a woman, should school officials be required to treat child care as any other "handicap" and provide means of care to assure the mother's freedom to attend school for the time she desires after reaching the compulsory age?

Sumter #2's maternity policy continues:
"Administrators may suggest that such students enroll in special courses, as adult or night classes or classes especially designed for them: however, the students may not be forced into those special classes unless their presence is found to disrupt the educational process."

"Disrupting the educational process" is a code phrase in education for arbitrarily dismissing a student. This report concludes that pregnancy is not disruptive to the educational process. The clause should be omitted from Sumter #2's maternity policy.

ALABAMA

Homewood, Ala. (Jefferson County), offers a special school for pregnant students and attendance was by personal choice, according to officials interviewed. The Title IX coordinator reported that Alabama districts are under court order not to segregate pregnant students. Although officials told monitors that married students could participate in any activities, as could pregnant students, with a doctor's permit, one student maintained that married and pregnant girls were not eligible to be Homecoming Queens, Cheerleaders or Star Spangled Girls.

No sanctions against male parents or husbands were cited, although a boy interviewed said: "The situation of male parents has not arisen enough for a full answer."

The school district in **Auburn, Ala.,** provides Blue Cross/Blue Shield coverage for its employees, paying up to $226 per employee with employees paying the cost of remaining coverage,

such as maternity. The Title IX coordinator said insurance rates were higher for females.

"The board cannot condone illegitimate pregnancies."
...Superintendent, **Auburn, Ala.**

Policies on student pregnancy and marriage in 1975-76 put the district in possible violation of Title IX.

(1) A pregnant student was not permitted to enroll for a semester which she was not expected to complete: i.e., a semester during which she would give birth.

(2) The president of the school board reported that before the child was three months old, the student mother was required to submit a doctor's certificate saying she was medically fit to return to school.

(3) The superintendent said the students were encouraged to complete the semester in which they were enrolled "and yet the board cannot condone illegitimate pregnancies."

(4) The Auburn High principal said his main concern about pregnant students attending school was their inadvertent contact with harmful chemicals, "especially in Art."

(5) Junior high students maintained that girls were required to withdraw after three months of pregnancy, but "someone knows a girl six months pregnant who is attending school."

(6) High school boys said a married male cannot participate in varsity athletics. The principal insisted that there is no such rule set by either the school or the Alabama High School Athletic Association. He said: "It is instead a tradition set by coaches who insist upon 'single-minded commitment' to sports."

MISSISSIPPI

The superintendent at **Starkville, Miss.** said: "We're not going to encourage girls to stay full term."

"We began dealing with pregnancy at the administrative level in 1970," he said, "...the principal offers guidance. From 1970 on, this has been decided on a private, individual basis. There has never been one complaint to me. *We're not going to encourage girls to stay full term."*

All students and parents interviewed in Starkville agreed that there were no sanctions against student fathers.

The mother of an elementary school boy said: "It is the girl who is pregnant. She should take some means of control. *The girl carries the burden."*

"It's not obvious for the boy, so he's not mistreated. It's considered the girl's fault."
...Ninth grade student, **Starkville, Miss.**

"One girl brought a baby to the playground last year and said it was hers. I didn't see her again...."
...High School Student, **Starkville, Miss.**

A principal under the jurisdiction of the Starkville superintendent said, commenting on federal court decisions affecting women in pregnancy policies: "Last year was ridiculous. In court case after court case, the pregnant person would win."

The superintendent told monitors that he was "required" to have a conference with each "returning" pregnant girl.

"I feel pregnant girls need help more than anyone else," he said.

Most students interviewed reported to monitors that girls were required to withdraw from school before the end of their pregnancies, or, according to one, "as soon as the counselor finds out." Others computed the time sequence as "around five months," and "when she shows."

Policies on maternity leave for teachers in Starkville were more discriminatory than policies for students.

In December, 1974, three teachers notified the school system they were pregnant. Pregnant teachers were and are still required to give written notification of pregnancy no later than five months prior to the date of expected delivery.

One teacher, whose baby was due in March, wanted to work through February. She was required to leave at

the end of the semester and not allowed to return until September, 1975. Another, whose baby was due in June, asked to complete the school year. She was given two days' notice in February that she must leave. In each of three cases, in independent negotiation, the woman was told by school officials that if she wanted her job back after the child was born, she must resign immediately.

Monitors reported: "Ms. A decided to fight. Parents of students in her classroom circulated a petition in her behalf and made calls to the principal, superintendent and members of the school board. Once parents had rallied to her cause, Ms. A was not pressured again and was allowed to remain in her teaching position. As a result of this protest, new maternity leave policies were instituted in October, 1975."

Written by a committee of seven female teachers, a male teacher and a male administrator, the policies are regarded as an improvement by teachers, but they set different standards for leave for pregnancy and other temporary disabilities—and in other ways violate Title IX.

The date on which the pregnant teacher is to withdraw and return is determined by the teacher, her doctor *and* her principal. Although it is not required for other temporary disabilities, teachers returning from maternity leave must present a certificate of health, and the policy states:

"At the discretion of school officials, a second physician may be consulted to verify the attending physician's report that a teacher is able to perform her teaching duties satisfactorily."

Although the policy states that a temporary replacement or substitute will be hired in place of the teacher, the wording of the policy suggests that a teacher may not be guaranteed her old job or a comparable one on her return from maternity leave:

> "C. The teacher shall return to her former position, subject to the terms of her teacher contract. If this position has been eliminated, she shall be given first priority for a comparable one within her endorsement area. Contracts are issued only on a year to year basis.
>
> "D. The school is no longer obligated to the teacher once she is offered a comparable position in her endorsement area."

Teachers interviewed seemed generally to agree that a teacher taking maternity leave had no guarantee of getting her old job back. However, at the time the interviews were conducted, the new policy had not been tested.

Pregnant teachers, unlike others taking leaves for temporary disabilities, cannot use accumulated sick leave (up to 40 days). In addition, leave days cannot be accumulated while the teacher is out on leave, although they can be retained, but the days in which the teacher is out cannot be counted toward seniority. (The policy states: "State Department regulations require a minimum number of 160 days to be taught in order to receive one year's teaching experience.")

The policy says that group insurance will remain in effect "as long as the teacher on leave wishes to continue her premium payments, and it is agreeable with the insurance company. These arrangements must be made between the teacher and the company."

A brochure, distributed to employees by the LEA, describes American Fidelity Assurance Company's salary protection plan for Mississippi educators and includes a salary deduction authorization for the LEA. It excludes coverage of pregnancy, childbirth and miscarriage. This constitutes a Title IX violation since, according to OCR, "Contractual...relationships which have the effect of subjecting employees to discrimination on the basis of sex are prohibited, including relationships with organizations providing or administering fringe benefits."

The Starkville superintendent said the personnel policies committee had chosen not to use sick leave for maternity and that he did not know whether this violated Title IX. He said the maternity policy would be re-evaluated.

A number of teachers asked monitors for more information or training on Title IX. One, asked by the monitor if she could ask her principal to arrange for it, said, "Oh, no."

By the time the Starkville monitoring project was completed in late March, few teachers had yet heard anything about Title IX and self-evaluation from school officials.

"One told us about an in-service meeting at which there was a discussion of maternity leave and other policies concerning female teachers. There was a humorous discussion concerning male teachers taking leaves and adopting

babies. Most of the above was unsatisfactory. We were not told directly it had anything to do with Title IX."

The flagrant Title IX violations in Employment in the **Oxford, Miss.** school system are specified in the chapter, "Employment Opportunity." The system's published "Criteria for Employment" contains the following sickleave policy. Since no mention is made specifically of maternity leave, monitors assumed that the sickleave policy also applies to maternity leave.

Criteria for Employment, Oxford, Miss.

(4) Health and physical fitness for teaching.
As the only objective measure available of a person's physical fitness for teaching, a period of reasonable absence for sickleave has been arbitrarily defined. If an "absence period" consists of two consecutive school days missed due to illness, and if a teacher has at least three such absence periods during the most recent full school year, then he shall be given a lower priority for continued employment than a teacher who has any other pattern of absences due to illness. For initial employment, the most comparable available information shall be applied.

In **Jackson, Miss.,** until April, 1976, pregnant students were required either to withdraw from school or to transfer to the Interim Education Center. In April the board of trustees ruled that pregnant students could elect either the Interim Education Center or their own school, the policy changed belatedly to conform to Title IX regulations.

Monitors, reporting on difficulties encountered in monitoring Jackson schools, said:
"A factor that cannot be overlooked in our difficulties with obtaining teacher cooperation was the controversy regarding the sick leave policy. Earlier in the school year, the maternity and sick leave policies were reworked to meet Title IX regulations.

"A new combined policy was issued in December, 1975, which allowed full paid time for personal illness but did not address the question of leave for child care."

"The combined policy was given a very 'narrow' interpretation by certain central administrators which resulted in anger and hostility from many teachers. Since Title IX was responsible for the combined policy being written, although not for the content of such policy, it received much of the blame for the situation."

An elementary school teacher told monitors that teachers "resented" the change in maternity policy. She said teachers had formerly been allowed to apply to the school board for extended leave (beyond the regularly allowed cumulative period) and be granted leave with pay. A reading of the leave policy recommended by the Sick Leave Committee in December, 1975, indicates that it conforms to Title IX in treating pregnancy like any other leave for temporary disability.

In **Franklin County, Miss.,** a teacher told monitors that upon return from maternity leave a teacher must take any job that is open. If pregnancy forced her to fail to complete an academic year, she would receive no seniority for that year.

Janitors in Franklin County were asked whether the district's policies for leaves of absence for pregnancy are the same as the policy for temporary disabilities, and replied that custodial employees get no leaves of absences.

Does the district's insurance cover maternity? "Janitors don't participate in the group insurance plan," one answered.

Are other fringe benefits equal? "We don't have fringe benefits."

As in all districts monitored, job applicants are required to state their marital and parental status.

Question: "Are insurance and leave benefits equal for women and men?"

...Monitor

Answer: "Men don't get pregnant."

...Superintendent, **Worth County, Ga.**

GEORGIA

Teachers interviewed in **Worth County, Ga.,** had not been informed about Title IX and the district's maternity policy, but there was agreement in some areas. According to teachers, pregnancy leave differs from other types of leave. A man said that a teacher who takes a leave for a temporary disability is guaranteed his or her job upon return, but for maternity leave a woman "must wait and see."

Teachers agreed that women who take maternity leave are not guaranteed jobs when they return. One teacher had changed fields in order to get a job after her child was born, since there were no openings in her field.

The Policies and Procedures of the Worth County Board of Education read, in part:

"Married women under contract to the Board of Education who become pregnant during the school year will report the condition to her principal as soon as possible and will resign from her position at a time agreed upon by the principal. She shall be eligible to apply for reemployment after the birth of the child."

A woman teacher, asked about this policy, a Title IX violation, said: "It all varies with the individual."

This was reportedly the case in many districts, regardless of written policy.

According to the handbook, regulations do permit accrued sick leave, but not for pregnancy.

The student handbook in **Valdosta, Ga.,** includes the following:

"A student who becomes pregnant shall be encouraged to withdraw from school."

Students in Valdosta reported that pregnant girls were pressured to attend South Street School (for special classes) through the 1975-76 school year, although most said they knew girls who had dropped out of school because of pregnancy. The alternate school, South Street, was reportedly being abandoned after that school year because too few students attended to warrant employing a teacher.*

*For additional school districts monitored, see **"Single-Sex Schools."**

7. SINGLE SEX SCHOOLS

"Single-Sex Schools" — involving Jefferson Parish and Tangipahoa Parish in Louisiana, and Amite County in Mississippi — is a separate Chapter because of the extent of sex segregation and discrimination existing in these school districts.* This report clearly draws a parallel between racial and sex segregation.

It is important to be aware that officials segregated these school systems by sex at the time federal courts were requiring racial desegregation in the public schools of the nation. The establishment of single-sex schools put the additional burden of sex discrimination on both black and white females. **The firm contention of this monitoring project is that Title IX and Title VI should not allow these schools to exist.**

Sex discrimination will never be abolished so long as the burden of equality of opportunity must be borne by the recipients of discrimination. This was true in the so-called "freedom of choice" desegregation plans during the era of the sixties. It is equally true in the seventies for those school systems that operate single-sex schools.

This report concludes that HEW should not allow the operation of single-sex schools. The department's requirement of comparable programs and services does not diminish the effects of inequalities in such schools.

Separate can never be equal.

*See Addendum C for Subpart D, Section 86.34 (b)

93

"Justice delayed is justice denied."

...Jack Peebles, Attorney
New Orleans, La.

JEFFERSON PARISH, LOUISIANA

High schools in Jefferson Parish lost their coeducational status and became single-sex in the early sixties, just as pressure for ending racial segregation was reaching Louisiana. Single-sex schools were hastily established under Louisiana Revised Statute No. 492, enacted in 1960.

"Local school systems may require the assignment of pupils to any or all schools within their jurisdiction on the basis of sex."

In 1966 when plans to erect two new high schools became known, a committee of educators and other concerned citizens calling themselves the Jefferson Committee for Better Schools, urged that the system return to coeducation. There was considerable support, but their attempts failed, and the schools were built to house only female students.

A total of 18,582 students attend sex-segregated high schools in Jefferson Parish — three all male schools, four fem[illegible] — and this monitoring project proved that separate is not equal for females in Jefferson Parish. Most flagrant inequities uncovered were in the areas of curriculum, facilities and athletics, but equally significant were the social scars of sex segregation. Female students interviewed repeatedly expressed feelings of vague inferiority, unease at their segregated status, apprehension about their future.

Performance records of the political establishment, the school board, the administration, and academic and social experiences of teachers and students reinforced monitors' convictions that separate is not and cannot be equal.

Title IX monitoring in the spring of 1976 was extremely difficult for monitors who learned "not to underestimate the skills of resistance in school officials."

Obtaining documented proof to substantiate allegations of non compliance proved a near impossible task, as monitors dealt with the closed society of Jefferson Parish officialdom. Teachers were instructed by the superintendent not to cooperate with monitors, and no action was taken toward superficial shows of compliance (appointing a coordinator, publishing intent to comply, drafting grievance forms) until monitoring. After monitoring began, however, printed statements of compliance suddenly appeared, an interview with the superintendent was granted, a Title IX coordinator (the superintendent's longtime administrative assistant) was appointed, and a clever facade was erected which monitors found frustrating in their work.

Monitoring in Jefferson Parish did reinforce the AFSC's belief that laws are enforced only through community insistence, that laws must be made to work.

At the end of February, 1976, the monitoring project coordinator telephoned the school board office to inquire about monitoring Title IX. A second inquiry March 1 resulted in the monitor's introduction by telephone to the superintendent's administrative assistant, who said she would meet with the school board attorney before answering questions about Title IX compliance. She assured the monitor that everything possible would be done to avoid losing federal funds.

One week later she was named Title IX coodinator and on March 24, 1976, a formal request was sent to the superintendent for his cooperation in the monitoring project. Although his reply indicated cooperation, as long as "school time" was not involved, the monitors' experience proved otherwise.

The district did not meet Title IX requirements that it notify students and employees of compliance by October 21, 1975. In May, 1976, after two months of monitoring, principals were notified that self evaluation was required by law and grievance procedures were printed.

The Jefferson Parish school system is the second largest employer in the parish, and numbers of people in the system expressed fear of becoming involved in the monitoring project. Concerning coeducation, a highly sensitive issue, fear of losing jobs outweighed any personal feelings about inequities in the sex-segregated system. The magnitude of control exerted by the superintendent and his staff was soon evident.

Two all male high schools, two all female high schools and the one area vocational

school were chosen as targets. Only five teachers and two principals consented to interviews, although numerous principals, teachers, counselors and coaches were approached. One principal of a male school said he was specifically warned not to talk to monitors since he was in disfavor with the administration for unrelated problems.

Twice interviews were abruptly terminated: once by a telephone call from the Title IX coordinator to the teacher being interviewed, another by a surprise visit from the district supervisor to the principal being interviewed. Subsequent telephone calls from monitors to the teacher and principal were not accepted, and neither interview was permitted to resume.

At one point during the monitoring process, the superintendent issued a letter admonishing teachers that forms distributed by monitors were not to be filled out unless cleared through the superintendent's office.

Teachers expressed fears they might lose their jobs, be denied tenure or be transferred to a less desirable school — tactics employed in the past to keep personnel in line with "board policy." Monitors reported that black teachers were particularly reticent, that the system has a history of denying them tenure, firing them for non-professional reasons and denying them advancement opportunities. Only one black principal is employed by the system — at the vocational high school. This school is listed incorrectly in the telephone directory as a middle school, and monitors reported that officials attempt to keep the school a parish-wide "secret." The principal must recruit students, and most recruited are those considered by the administration to be "unfit for the academic, college preparatory high schools."

The superintendent did grant a personal interview during school hours, but other school personnel were instructed not to see monitors on school time since the "education process would be impeded." The superintendent said that he did not feel coeducation to be a necessary step for compliance with Title IX and had been so assured by the Dallas office, OCR. He said he has no plan to implement a move to coeducation.

Curriculum

Discrimination against females in curriculum has been flagrant in sex segregated high schools of Jefferson Parish. During monitoring in spring, 1976, no girls' school offered advanced Mathematics II which was available at the boys' schools, though numerically more interest was evidenced in Math II among female students, with 81 more girls than boys enrolled in advanced Math I.

Only one girls' school offered a course in Latin I. At one boys' school both Latin I and Latin II were offered, though only nine boys were enrolled in Latin I. At another boys' school, Latin I, II, and III were offered though none of those classes consisted of the minimal number of 30 students (the number used to justify hiring a teacher for a course.) No Industrial Arts subjects were offered in any of the three girls' schools, but Industrial Arts and related subjects such as Drafting and Woodwork were offered at all boys' schools. Mechanical Drawing and Architecture were offered to boys, not to girls. None of the girls' high

95

schools offered any form of Reserve Officer Candidate training, programs provided in all boys' schools.

Girls, however, if they did not enjoy the benefits of industrial art courses, if they must abandon hopes of learning skills in architecture or engineering, mechanical drawing, woodwork and related skills, even if they had a lesser opportunity to take advanced mathematics or advanced latin, did have far superior facilities in home economics than boys. Fourteen or 15 such courses were offered in the girls' schools — ranging from Vocational Child Care I to Foods III. The different emphases in curricula and activities in the boys' and girls' schools reinforce the stereotyping of males and females.

Makeshift Compliance Plan

After monitoring, the school board's answer to its Title IX curriculum violations was a hastily devised plan for the 1976-77 school year. A student desiring a course not offered at her or his school may opt for being bused to another school which offers the course at the cost to the student of the loss of one hour's time in transportation and the consequent loss of one semester credit, according to a teacher interviewed.

However, the Title IX coordinator claimed that due to different operating times for male and female schools, this problem would be solved.

If a sufficient number of students pre-register for a course not offered at the school attended, there is a possibility that the course will be added to the curriculum at the school. One example of this is at all girls' Riverdale High, where mechanical drawing was offered for the first time in 1976-77.

"One hundred fifty signed up," the superintendent said. "With that many girls from one school wanting to take that course, it would pay us to hire a teacher for mechanical drawing at Riverdale."

The Jefferson Parish school system's haphazard makeshift plan was a last minute effort to be found in compliance with Title IX, a last minute act of desperation when resistance was under attack from monitors and from law suits detailed later in this chapter.

There was no visible evidence to end the effects of past sex and racial dicrimination in the Jefferson Parish schools. Resistance to equalizing opportunity through a coeducational system underlines the arrogance of school officials, and is uncomfortably reminiscent of their sixties' behavior.

Jefferson Parish demonstrates dramatically that Title IX regulations concerning single-sex schools must be re-examined. The new generation of students is oppressed by the official resistance and flaunting of student rights.

All students monitored expressed strong desires and needs for an equitable, coeducational system.

Monitors found, in their investigations of the last minute plan to equalize curricula, that everything possible was being done to "subtly and indirectly discourage students and teachers from following any non-traditional course of action." New course offerings booklets for 1976-77 were distributed in most schools after registration had taken place, necessitating inconvenient rescheduling procedures which many students were less than eager to use. Teachers who were questioned by the administration about necessary changes for compliance were queried during the week when final exams and papers were due to be written and graded.

"I personally have real doubts that this new curriculum system can work," a young teacher in a girls' high school said.

"The student must really be committed to taking a course not offered at her own school, since through the busing procedure she will lose time and course credit. To gain a previously restricted course means forfeiting a credit toward graduation."

The last-minute course offerings for 1976-77 resulted in this breakdown: Latin I in two out of four girls' schools; Latin I in all boys' schools with advanced Latin courses also; Current Issues, Blue Print Reading and Law Enforcement offered to boys' schools but not to girls'. Two new courses for 1976-77, Major Female Writers (one school) and Black Literature (one school) are for girls only.

Monitors did followup work in Jefferson Parish and received this information from the Title IX coordinator, who called courses available to girls at boys' schools (or to boys at girls' schools) "Title IX Course Offerings." The limited number of students enrolled in these courses clearly shows that Jefferson Parish's "freedom of choice desegregation plan" is not working.

Title IX Course Offerings	Number Students Enrolled
Trade & Industry	3
Exploratory Ind.	6
Woodworking	16
ROTC	35
Marine Biology	9
Exploratory Arts	1
Nautical Science	1
Delgado Coop.	1
Advanced Math	9
Nurse Assistant	4
Lab Technology	7
Practical Physics	1
German I	6
Latin I	1
Criminology	1
Shorthand	3
Clerical Practice	3

A male counselor told monitors that girls in the all girls' school where he is employed have repeatedly expressed interest in new subject areas including "traditional male courses."

"We need a more balanced view for males and females through coed schools, more socializing between sexes. Girls need to understand job competition, what being a female means today. . . there's a need to help students establish their identities."

A student interviewed at the same school in Jefferson Parish said:

"My teacher said it's silly to want to take a boy's course like mechanical drawing, but I still want to. Taking the bus (to the boys' school) is complicated, though — so maybe I won't."

Female students interviewed want coed schools. But they reported to monitors that booklets "saying we could take non-traditional courses in 1976-77 by being bused to boys' schools were sent out after registration. Now if you want your schedule changed you have to re-register." All girls interviewed said their parents discouraged them from going to boys' schools for courses.

One student said that the community fears "racial trouble" if sexes are integrated. Another agreed but said the fear is "unrealistic," and all students she knows want coed schools.

One female senior student said:

"We wouldn't give up our powers if we had school with boys. I think they'd learn more and we would too."

Conversely, the superintendent of Jefferson Parish schools expressed the opinion that, in a coed situation, girls would lose opportunities for positions of leadership: "...the present system gives them (girls) the opportunities to excel with less inhibitions in class as well as sports. In the present system (single-sex schools) a girl can be student body president, whereas in a coeducation setting, it's usually a male or the captain of the football team who becomes class president."

Monitors concluded that, at the official level, expectations for women in Jefferson Parish reinforce attitudes of female inferiority. Even if the superintendent's contention were true — that a female in a sex segregated situation has more opportunity to become school president — the election to school office hardly equates with one's life chances to become a scientist.

Athletics

All sports now available at girls' schools in Jefferson Parish are a result of Title IX, an attempt at compliance to avoid losing federal funds. The results are minimal. Girls have no gymnasium, no buses for transportation to athletic events. Ehret High School for Girls attempted to purchase the old bus discarded by a boys' school, but the school board "sat on our request", according to a female coach at Ehret.

"We must hire buses (using band funds), but since it's more practical, coaches usually take girls to games in their own cars."

There is girls' basketball at Ehret, but Riverdale Girls' High does not offer basketball. Riverdale, like Ehret, has no gymnasium. The selection of sports for girls is decided by the principal with no student input. Contact sports for boys include football, basketball, wrestling. Basketball, where it exists for girls, was begun within the past year (at two schools) as a result of Title IX. A girls' high school coach said that when the student council sponsored a "powder puff" football game for girls, 75 girls came out for practice on Saturday morning.

Pay is unequal for coaches in boys' and girls' schools. The following schedule provided by the school system indicates the inequities of opportunity for women in the Jefferson Parish single-sex school system.

97

HIGH SCHOOLS ATHLETIC PROGRAM (1975-76)

	BOYS	GIRLS	DIFFERENCE
Coaches Salary	$87,789.22	$20,050.29	$67,738.93
Supplies	12,500.00	10,070.00	2,430.00
Transportation	2,400.00	* 8,800.00	6,400.00
TOTAL	$102,689.22	$38,920.00	$63,768.93

* The reason for the high transportation figure for girls is due to the fact that most boys high schools have their own individual buses, but the girls high schools do not have buses and therefore have to pay for bus transportation.

Boys' coaches make $1600 base pay plus $600 as assistant in an additional sport — $2200 total for coach's pay added to his salary as an academic teacher. Girls' head coaches make $600 with no position available as assistant coach. Boys have more teams (freshman, junior varsity, varsity), but girls have one team for one sport. Bonnabel High, a boys' school built the same year as Ehret Girls' High, has a gymnasium.

One student said that girls' coaches aren't interested in "getting much going for us." Unequal pay could be part of the answer, but coaches for female high schools do have a history of organizing athletic activities on their own time and furnishing automobiles to transport their students to athletic events.

A female student who participated in the "powder puff" football game, a fund-raiser said: "Sure we'd like a football team, but we'll never get it."

Another student said:
"Boys have different uniforms for each sport, but our girls have to wear the same uniform, whatever the sport. We wanted more uniforms but were told there wasn't enough money. We tried to help financially. Last year the girls had a bake sale and this year they sold light bulbs."

Pregnancy

The maternity leave policy of the Jefferson Parish School Board was discriminatory.*

An employee must begin a maternity leave at least four weeks prior to expected date of birth and return within six weeks after delivery. The Personnel Office must be notified not later than four months prior to expected date of delivery, and a monthly report from the employee's physician is required. The pregnant teacher's days absent and days tardy is filed in a monthly report by the principal or administrator.

Though only employees taking maternity leave four weeks prior to expected date of delivery and returning six weeks after delivery are assured their old jobs upon return, monitors found through teacher interviews that each case is treated on its own "merits" by the administration.

Litigation

In 1974 a complaint was filed by New Orleans attorney Jack Peebles, representing two students in Jefferson Parish, La., against the Jefferson Parish School Board. The suit sought to enlist the aid of the court to end the system of sex-segregated high schools. Complainants argued that the sex-segregated system was constitutionally infirm for the following reasons:

1. It establishes a form of sex discrimination which results in a denial of equal educational opportunities for female students.
2. It provides a facade for state-supported racial discrimination in public education.
3. It constitutes an infringement upon the fundamental freedom of association guaranteed by the Constitution under the first and fourteenth amendments. By December, 1976, no action had been taken by the courts.

In the original complaint, Peebles attacked the Louisiana Pupil Placement Law* that authorizes local school boards to assign students to schools on the basis

*See Jefferson Parish Maternity Leave Policy, page 104.

*See page 94.

98

of sex, a hastily revised statute enacted in 1960 to resist racial integration. When no action was taken on the original complaint, Peebles filed a motion for priority determination of Constitutional issue since the case could become moot when the plaintiffs were graduated from high school. He also noted that Jefferson Parish was beginning a 13 million dollar school construction program for sex-separated facilities which would require modification if the court decided in the plaintiffs' favor.

Again no response from the three judge court. Attempts to get HEW and the Justice Department to intervene were also abortive.

OCR in Dallas turned the problem over to the Justice Department after being contacted by Peebles and the parents of the complainants. John Bell at the Dallas office, OCR, advised Peebles that if documentary evidence that Jefferson Parish operations conflicted with Title IX regulations could be procured, the evidence could be submitted to his office.

After receiving the evidence, Bell turned the matter over to Alexander Ross at the Department of Justice on the assumption that the complaints in court related to possible Title IX violations.

Bell's letter to Ross pointed out that "the matter raised in this complaint is currently under litigation in the U.S. Court, Eastern District of Louisiana, New Orleans Division, in a private suit styled *Kenlee Helwig et. al. v. Jefferson Parish School Board* and reminding Ross that the parish school board is desegregating its schools under a decree of this same court. Bell further stated that the parish is an Emergency School Aid fund recipient "but in this case the complainants are raising a legal question with regard to Title IX which may in turn raise other legal questions that your Department may be better able to answer. Consequently, we deem it necessary to refer this matter to your Department for appropriate legal action."

No action, appropriate or inappropriate, was taken by the courts or the Justice Department as of December, 1976. Peebles' briefs and requests to the three judge court, OCR and the Justice Department are thorough and doggedly persistent over a two-year period. The court was equally persistent and consistent in its policy of denying the complainants their right to be heard.

For his evidence, Peebles acquired answers to interrogatories from Larry Sisung, superintendent of the Jefferson Parish Schools, and from Dr. Melvin Gruwell, Director of the Center for Teacher Education at Tulane University. Complainants took both Mr. Sisung's deposition and the deposition of Dr. Gruwell. Excerpts from these interrogatories, entered in *Kenlee Helwig, et. al. v. The Jefferson Parish School Board, et al*, in Civil Action # 74-2143, Section "I" for the Three Judge court, follow:

The Jefferson Parish public school system is in fact discriminatory toward female high school students because of the activities and curricula offered and the regulations imposed.

Superintendent of Schools Larry Sisung, in his answers to interrogatories and in his deposition, testified that the policy of the School Board in Jefferson Parish is to maintain separation by sex in the high schools. This is in fact done in the principal schools, three of which are for boys and four for girls. The exceptions to this rule are minor and result from the geographical remoteness of the schools at Grand Isle High and the Fisher-Middle-High School, and the vocational nature of John Martyn Vocational high.

Mr. Sisung's testimony demonstrates the stereotyping of students into male and female oriented images, revealed by the curricula and activities offered in the high schools:

"**Q.** Mr. Sisung,. . .I notice that no Industrial Art subjects are offered in any of the three girls' schools; is that correct?

A. That's correct.

Q. Whereas, all of the boys' schools offer courses in Industrial Arts and related subjects such as Drafting and Woodwork; is that correct?

A. That's right.

Q. No Mechanical Drawing courses are offered in any of the girls' schools, are they?

A. No. Conversely, there are probably some courses offered at the girls' schools that are not offered at the boys schools.

Q. We will get to that in a moment. Do you have any architecture courses offered in any of the girls' schools?

A. No.

Q. Yet, these are available to the boys, are they not?

A. Yes, as long as we are looking at the framework of these courses.

Q. Is there any provision in your system for a girl taking a course in architecture?

A. No.

Q. Do any of the girls' schools offer a course in Engineer Drawing?

A. No.

Q. What was your answer?

A. No.

99

Q. Is there any provision for a girl taking a course in Engineer Drawing?

A. None.

Q. Do the boys' schools offer courses in Engineer Drawing?

A. Yes.

Q. Is there any provision for girls to take a course in Architectural Drawing in your school?

A. No provisions.

Q. Is there any provision for a girl to take a course in Drafting in your school system?

A. None.

Q. Are Drafting courses arranged for the boys in their studies?

A. Yes.

Q. Do all of the boys' schools have courses in Woodwork?

A. Yes.

Q. Do any of the girls' schools have courses in Woodwork?

A. No.

Q. If a girl wanted to take a course in Woodwork, would she be permitted to?

A. Only under the provisions as I first stated.

Q. That is, if you could find a minimum of thirty students who would be interested in taking that particular course?

A. That's correct."

The stereotyping of the students is further demonstrated by the better curricula offered to boys in preparation for the professions, sciences, and mathematics. A high school teacher who should choose to become a great scientist, for instance, might want to take advanced courses in latin and mathematics. However, only one of the girls schools offers a course in Latin, and that is a course in elementary latin. In contrast, at one boys' school (Bonnabel High) both Latin I and Latin II are offered even though only nine students were interested in taking Latin I. At East Jefferson High, another boys' school, Latin I, Latin II, and Latin III are offered although none of those classes consist of the minimal number of 30 students.

"**Q.** And no such advanced Latin courses are presently being offered in the girls' schools?

A. That is correct."

The boys at Bonnabel High are offered Advanced Math II (which is not offered at any of the girls' schools) although Bonnabel has 81 students fewer in its Advance Math I class than does one of the girls' schools (Grace King High).

None of the girls' high schools in the Jefferson Parish system offers any form of Reserve Officer Candidate Training, although such programs are provided in all of the boys' schools. The policy of the school system stems from the presumption that the "military is associated with males mainly" and no one checked to see whether the Air Force, which sponsors the ROTC in the Jefferson Parish high schools, might be interested in providing an ROTC program for the girls. In fact, an inquiry by the parties in this case has resulted in a stipulation that "It is the policy of the United States Air Force that female students in high schools may enroll in the Air Force Junior ROTC programs and are entitled to the same benefits as male students."

The system of separation by sex in the public high schools of Jefferson Parish is inherently discriminatory toward female students.

Point V of Complainants' original memorandum presents the argument that sex segregation in public high schools is inherently discriminatory toward women. Sociological and psychological data were presented in that argument. This conclusion is supported by Dr. Melvin Gruwell, Director of the Center for Teacher Education at Tulane University. In deposition, Dr. Gruwell was asked whether he had an opinion as to whether separation by sex in public high schools is discriminatory toward women, and in answer he responded that he "very definitely" thought so. Asked why this was so, he detailed the history of separation of the sexes, tracing the concept of female inferiority back to a Greco-Roman concept that was also inculcated in religion. Dr. Gruwell pointed out that it is not a normal process for males and females to be separated in life's activities, and when you disturb this process one of the things you create is "definitely a matter of inferiority of individuals."

Dr. Gruwell testified that in high school counseling sessions most counsel women into certain vocations, based upon the idea that woman is inferior, "and when you set up separate subjects within the school curriculum that are for women and not for young men, then this takes place." Dr. Gruwell continued: "Now, I realize that in vocational education in Jefferson Parish that courses, in the vocational field, are available or open to young women but they are not housed in such a way that they can take advantage of it."

Dr. Gruwell testified that he was unaware of any national authorities who support the concept of separation by sex in public high schools, except in the narrower field of religious education. The inherently unequal nature of the educational opportunities offered to sex-separated students is sometimes subtle:

"**Q.** Are you familiar with any colleges that would consider Jefferson Parish's all-girl schools to be inferior to other high schools because of the fact that they are all girls or, likewise, vice versa, all boys because they are all boys?

A. No, I don't know of any colleges that would come out and say this. I know that there are colleges that do not recruit under these conditions.

Q. What colleges?

A. Tulane doesn't."

As indicated in this memorandum, girls in the public high schools of Jefferson Parish are denied many vocational courses which they would have access to if they were in a coeducational school, and they have likewise been denied ROTC training and benefits, including educational scholarships and advanced rating entry into the armed forces, simply because they are girls.

Superintendent Sisung is unaware of any inquiries that have been made with regard to possible use of the athletic stadiums by girls, but it certainly seems likely that such use will not be found as long as the stadiums are assigned to the boys school alone. It is submitted that Dr. Gruwell is correct when he says that sex-separation

is not a part of the normal process of life's activities, and when such separation does occur in education it is, because of the historical development of the problem, a badge of inferiority which must be borne by women.

The system of separation by sex in the public high schools of Jefferson Parish is an instrument of state supported racial discrimination in public education.

This argument was covered in complainants' original memorandum. In support of their case the complainants did not succeed in producing a "smoking gun" in the form of a school board member or members who were prepared to testify that the initial decision to separate the sexes was based upon the fact that racial integration was taking place. Perhaps this should not be expected. Complainants did produce Dr. Gruwell, mentioned previously in this argument, who is in a rather unique position to know the facts in this case. Dr. Gruwell has been the Director of the Education Resource Center for the past four years. That Center is funded under authorization of the 1964 Civil Rights Act, and the purpose of the Center is to assist school systems in Louisiana in the resolution of problems incident to desegregation.

The Center was founded at the time that the school districts were beginning to develop plans to satisfy court orders, and it has assisted most of the school districts in this part of this State in the writing and development of their plans for the operation of schools under court order. The Center worked directly with the school systems, helping them to resolve desegregation problems identified as critical, and it still does district-wide studies and assists schools in the identification of the problems.

While Dr. Gruwell was Director of the Center, he received requests from the Jefferson Parish School district with regard to specific assistance in specific schools, and he went to a number of the schools and worked with their faculties. Dr. Gruwell is also on the Advisory Committee for the Title I Program, and has worked with Jefferson Parish authorities in resolving Title I problems, including the ESAP (emergency funding) Program to assist in desegregation. Dr. Gruwell was offered and accepted as an expert in the field of education and was asked whether he had an opinion as to why the public high schools in Jefferson Parish were segregated by sex. He responded:

"My opinion is that the timing and on the basis of discussion with individuals that there was a very, very definite tie between the policy of segregation by sex and the problem of racial desegregation."

Dr. Gruwell testified that his opinion was based on conversations with people who were in authoritative positions in the school system, both at the time that the policy of sex-separation was developed and subsequent to it, including specific school board members. Many of Dr. Gruwell's students at the graduate level are teachers and administrators in Jefferson Parish, and in the course of their confidential discussions, "it comes out."

On cross-examination Dr. Gruwell was asked if he had conversation with individual board members who were on the board at the time the policy of separating the sexes at the high school level was enacted, and his response was in the affirmative. It is submitted that once the complainants estab-

lished a *prima facie* case showing a tie between racial desegregation and sex separation in the high schools of Jefferson Parish it became incumbent upon the defendants to show some compelling reason for the separation of the sexes. This they did not do.*

The system of sex separation in the public high schools of Jefferson Parish interferes with a fundamental freedom of association between male and female students.

Point VIII of complainants' original memorandum argued that the sex separation system in the Jefferson Parish public high schools was an unconstitutional restriction of the freedom of association. It is submitted that the fact of separation, in the absence of a compelling need for such separation, establishes the complainants' case. The evidence indicates that the sex separation policy in the Jefferson Parish high schools is arbitrary and capricious.

Conclusion

In *Frontiero* v. *Richardson*, 411 U.S. 677, 93 S. Ct. 1764 (1973), cited in complainants' original memorandum, a plurality of the Supreme Court maintained that a classification based on sex is inherently suspect, and therefore subject to a test of strict scrutiny. Sex classifications, though not yet declared by a Supreme Court majority to be "suspect," require close review, with the burden on the state to establish a "fair and substantial" justification for differential treatment. That burden has not been met in this case.

This court should find that the policy of sex separation in the public high schools of Jefferson Parish is inherently discriminatory because of the curricula and activities in the system, that the School Board has not met its obligation to explain the ties between racial integration and sex separation, and that the fundamental right of both boys and girls to association with members of the opposite sex has been restricted without a showing of need for such restriction.

This court should declare the Louisiana statute authorizing school boards to separate on the basis of sex to be unconstitutional on its face and as applied in the case of Jefferson Parish. This court should enjoin such practice in the future.

Respectfully submitted,
Jack Peebles
Attorney for Complainants
1006 Baronne Building
305 Baronne Street
New Orleans, Louisiana 70112

*Note: The motivation behind sex separation in schools in the throes of racial integration and its legal implications have been discussed in a law review article, "The Constitutionality of Sex Separation in School Desegregation Plans," 37 U. Chicago Law Review, 296 (1970).

"Thus, while the sex separation device selectively integrated the races, it may be racially discriminatory in that (1) it perpetuates a vestige of the racial caste system — the separation of opposite sex-members of the two races — and/or (2) this separation results in harms similar to those recognized in *Brown* as inherent in a system of pure racial segregation."

102

Attorney Jack Peebles, after the previous complaint became moot, filed in 1977 an additional civil action in the case of *Haymon and Tracy vs. the Jefferson Parish School Board and Joseph Toomy, president of the Jefferson Parish School Board and his successor in office.* The two young women's complaints, like the Helwig complaint, alleged discrimination against women in admission to all boys' schools in Jefferson Parish. No action had been taken on their complaints at the time of this report's publication.

Employment

Personnel Policy Manual Revision, August 22, 1975:

"At the Jefferson Parish School Board meeting held on July 2, 1975, the Board agreed that in accordance with the recommendation of the Executive Committee, to rescind the Board motion of April 2, 1975, whereby employees presently employed could not be supervised by close relatives."

Monitors reported at the end of the school term, 1976, that they intended to continue monitoring the schools and gathering information leading to more data. But they expressed apprehension about what recourse would be available to them when school reopened, since they believed the school system to be controlled in a political sense.

Their apprehensions were prophetic, and the closed society tightened its resistance to "outsiders," inhibiting the monitors' work in 1977.

Appointments of key personnel are, according to monitors, manipulated with information for public consumption controlled by officials.

For example, the husband of the Title IX coordinator handles all printed material for the system and checks with the superintendent before anything leaves the building; the district level assistant administrator for physical education is the sister of a board member; the head of special education is the wife of a board member; several teachers are wives of board members.

Personnel were instructed not to provide documentation to be used as evidence of discriminatory practices, racial or on the basis of sex.

Textbooks

Believing that no real societal change can take place without removal of sexist

content in curriculum, monitors in Jefferson Parish conducted a survey of basal readers used in grades 1-5 in the parish schools. Books surveyed were Scott Foreman, Ginn, Lippincott and Economy Series.

Sex stereotyping and negative attitudes toward women were predictably found. The ratio of male to female oriented stories was more than 10:1.

The Economy Series published in 1972 was considered more progressive, and plans are to replace other texts with this series. The following are quotes from the Economy Series:

A man can rest in the sun
Or he can walk his dog
A mother may come to the park to please her baby.

Men work in the park
Can we thank them.

And
Mothers came to clean, and Fathers came to paint.

And
If you ever got mud on the floor, what was the message on your Mother's face?

And
Sometimes the man who finds a river names it.

And
Cindy liked him (Burro) more than all her dolls put together.

103

Monitors

In Louisiana, judicial action is no guarantee that any real action will be taken.

Before being denied access to Jefferson Parish school information in the 1976-77 school term, the monitoring project coordinator was optimistic:

"We feel that Jefferson Parish schools create an unhealthy, unhappy and certainly inequitable learning environment. We are hopeful that strong enforcement of Title IX regulations will alter this. Even though previous attempts have failed, this is the first time there is any evidence that the school board is afraid of losing funds.

"We feel that coeducation and all other provisions of Title IX must go hand and hand. The school board has issued its compliance statement. We intend to see that they honor it."

Personnel Policy Manual 1975-76 JEFFERSON PARISH, LOUISIANA

Maternity Leave Policy

1. An employee expecting the birth of a child must notify the Personnel Office of the Jefferson Parish School Board, through the principal of the school or administrator of a department to which she is assigned that she is expecting the birth of a child not later than four (4) calendar months prior to the expected date of confinement. This notification shall be in writing in triplicate on forms supplied by the Jefferson Parish School Board (See Appendix - Form number 8a) and shall be accompanied by a statement from her physician to the effect that she will be capable of fully performing her duties. The principal or administrator shall sign the request, return one (1) copy to the employee, forward one (1) copy to the Personnel Office, and retain one (1) copy for his files.
2. On the first calendar day of each month, the principal or administrator will prepare a report on each maternity case to include number of days absent and number of days tardy. A monthly report from the employee's physician certifying that she is capable of continuing her duties is required. Both reports are to be submitted to Personnel Office on the specified form.
3. An employee expecting the birth of a child must begin a Maternity Leave at least four (4) weeks prior to the expected date of birth of a child and may return anytime within six (6) weeks after delivery upon submitting a statement from her physician as evidence of satisfactory physical condition. The employee will apply accrued sick leave days toward her Maternity Leave and will be eligible for compensation of twenty (20) days extended sick leave as specified in the Policy Manual Section on Employee Benefits with three (3) years of service with the Jefferson Parish School System. Requests for maternity leave must be submitted on the appropriate form.
4. An employee may apply for reinstatement before the expiration of the full term of the Maternity Leave in the event of some unforseen occurrence, but in no case may an employee return unless she has filed a written request for reinstatement with the Personnel Office. She shall also file a statement from her physician as evidence of satisfactory physical condition.
5. Employees taking Maternity Leave four (4) weeks prior to the expected date of birth and returning within six (6) weeks after the birth of a child shall be placed in the same position held prior to Maternity Leave. Should the length of time of the employee's Maternity Leave differ from the four (4) weeks prior to and six (6) weeks after the birth of a child, she shall be placed in a position similar to the one held prior to the Maternity Leave. Requests to return from maternity leave should be made by completing the proper form.
6. An employee may ask the Personnel Department for an extension beyond her Maternity Leave of six (6) weeks, but such request must be in writing two (2) weeks prior to the termination of the leave and in no case may the extension be longer than one year following the birth of the child, providing that the return is consistent with the beginning of a semester. Employees granted Special Leave extensions shall be placed on Special Leave without pay and shall return to a position similar to one held prior to leave. In the case of a bus driver the owner of the bus shall receive operational pay and the full time substitute shall receive base pay. Employees on Special Leave must specify the date of return at the time of such a request and must return at the beginning of a semester.
7. Time taken by a non-tenured teacher on Maternity Leave shall not be considered as time accrued toward gaining tenure. Time accrued toward tenure will begin to run from the actual date of return to teaching duties. Tenure will be acquired when the teacher accumulates three (3) full years counting on a calendar day basis.

TANGIPAHOA PARISH, LOUISIANA

High Schools in **Independence, La.,** Tangipahoa Parish, adopted single-sex status in 1969-70, a school board decision apparently made in response to racial desegregation. Elementary schools in **Ponchatoula, La.,** in Tangipahoa Parish, became single-sex the same year and for the same reason, monitors concluded.

The parish school district consists of a number of rural communities, many with sex-integrated schools, but Tangipahoa monitoring is included in this chapter because of the single-sex schools that exist and the parallels with both Jefferson Parish, La., and Amite County, Miss., evidenced by similar resistance to both Title VI and Title IX.

"Women do not seem to want positions in administration. Thus, they are not recruited."

...Male Teacher, Independence Girls' High School, **Independence, La.**

There are 32 public schools in the parish and 11 private schools, providing a place for "white flight" after school desegregation. There are no private schools in Independence, La., however, indicating that the single-sex environment was sufficient remedy for those wishing to defy the law. Single-sex schools provided sex segregation when racial desegregation was required by law.

Monitors encountered resistance to their monitoring efforts at the single-sex schools, and one teacher who consented to an interview asked for confidentiality.

Moore v. Tangipahoa Parish School Board (1969) was remanded by the Fifth Circuit in 1974. The remand directs the district court to make new findings on the school board's practice of segregation by sex. At the time of monitoring, no findings had been made by the court.

There are 8,092 white students enrolled in public schools in Tangipahoa Parish, 7,584 black students. The district is almost totally out of compliance with Title IX.

The superintendent of the district refused to cooperate with monitors and ignored the Title IX monitoring project. Monitors were told that a Title IX coordinator had been appointed but were not informed of her or his name, though repeated efforts were made to identify the coordinator.

A white male principal informed monitors that no self-evaluation process was in effect, and when asked what plans he had for compliance after a future evaluation, answered: 'We don't really have any."

No notice of Title IX compliance appeared in the **Hammond, La.,** High School student handbook, but single sex clubs and extra curricular activities were specifically cited. The football schedule and boys' basketball schedule for 1975-76 were included, but the "Lady Tors" schedule was not.

Tangipahoa Parish is a rural area with a student enrollment of less than 50 per cent black. There were possible violations in the following areas: notification, grievance procedure, self-evaluation, physical education, athletics, vocational education, extracurricular activities, equal opportunity.

Notification

One reason for non-compliance apathy could be lack of notification. A female elementary teacher had received no notice of Title IX, and a male high school teacher said it was "mentioned" in a teachers' bulletin. A male elementary teacher said a parents' committee had been formed which sent Title IX information to parents only. An elementary principal said copies of a Title IX cover letter were sent to jr. high and high school *parents*. Of parents interviewed, one had heard of Title IX through "word of mouth," another obtained information from a NOW workshop. No printed notification could be located for monitors.

Of students interviewed, some had received no information; others had seen a newspaper article about Title IX; one learned that "girls have the same rights as boys" by watching the news on television. No interviewed non-academic employees had been informed of Titie IX by school authorities.

Self-Evaluation

There was no evidence of the district's having made attempts to self-evaluate, nor were there plans for evaluation in Tangipahoa Parish. Monitors could locate only one person, a white male elementary principal, who did not respond negatively to self-evaluation, and his attempt, minimal at best, was progressive for this district. He reported two participants (both female, one black, one white) who worked with him on the evaluation and reported the following: "We found out we were discriminating."

He said, however, that his finding had prompted no steps to change sex-discriminatory policies and practices.

Most elementary schools in Tangipahoa Parish, are not single-sex, but physical education classes are segregated by sex. Monitors found no attempts at Title IX compliance on the part of school officials.

After a parent expressed concern about sex segregation on the playground, the principal said the girls were switched to the side with the playground equipment.

105

"Most parents do not want unsegregated playgrounds, due to race."

...Elementary School Principal, **Tangipahoa Parish, La.**

The concerned parent corroborated his story:
"I complained, and they solved the problem. They switched sides so now the girls have all the equipment, the boys none."

The same principal reported that no steps will be taken to change sex-discriminatory policies.

Both elementary and secondary students interviewed reported sex-segregated physical education classes. Girls have a female instructor, boys a male instructor. A ninth grade boy thought PE expectations too high for boys, and a high school girl thought expectations for girls too low. A female high school senior thought girls' PE was "stupid," with classes less demanding, interesting and well organized than boys'.

Athletics

TEACHER: "Girls always get second choice of athletic equipment, but if a girls sprains her ankle she can use the boys' whirlpool."

SENIOR: "Girls' games are publicized *only* if we are winning."

MEMBER OF GIRLS' BASKETBALL TEAM: "Hammond High has only one gym. If it rains, the boys get it."

...Tangipahoa Parish, La.

No efforts toward compliance in athletics were found during monitoring. Predictably the emphasis is on football, with girls cheering on the sidelines. Only the boys' basketball team schedule was announced at the opening of the season, though the girls do have basketball teams that are highly competitive. According to students of both sexes, first choice of equipment and gymnasium facilities goes to the boys in Tangipahoa Parish.

Through gate receipts for football and basketball, boys' teams have funds for equipment and uniforms. Girls sell candy and promote various projects to raise money for uniforms and equipment.

The two female coaches at Hammond High teach more than one sport. There are six male coaches for boys' teams, some specializing in a single sport, i.e., football.

Explaining the inequities in the athletic program, one male high school student said: "They think that boys' football and basketball are more important than girls."

A high school teacher said that women's athletic facilities are poor, and there is little community support for women's programs.

"The male athletic program is self supporting," she said (ignoring six boys' coaches' salaries and two coaches for girls).

One female coach predicted no efforts to make the athletic program equitable for girls, saying girls' games must be worked around boys' team schedules, with the boys having first choice of bus transportation. If the boys use the buses, the girl athletes must pay for their own transportation.

Boys receive athletic scholarships, but no student could recall a girl's being awarded a scholarship.

"Counselors are used for discipline rather than giving support to vocational choices and future endeavors."

...Vocational Education Teacher, **Hammond, La.**

Vocational Education

Asked why the administration continues to use testing that results in sex-segregrated vocational education classes, the teacher replied: "Why not?"

Student: "A friend of mine was interested in taking Agriculture. She went to talk to the guidance counselor who tried to discourage her—for only boys took this particular course."

The Tangipahoa school system reportedly receives federal funds for a general career education program which offers students opportunity to work in the community and observe workers on the job. Girls enrolled in office and clerical

courses, boys in vocational agriculture. A Voc Ed teacher said the Office Education teacher would probably select girls over boys for her program, and stressed that those selected must dress according to job standards.

"There is rigid screening," she said.

Jobs are available for grocery boys, secretaries (girls), clerks in stores, electrical helpers and bookkeepers. No effort is being made to eliminate sex stereotyping in career placement.

Hammond High School has three counselors, but guidance is minimal.

Extracurricular Activities

Club design and membership are sex-stereotyped in Tangipahoa Parish. The majorettes, "Torettes" and cheerleaders (all female) cheer the Tors football team. The FFA (Future Farmers of America) is a national organization for boys, and the FHA (Future Homemakers of America) is a national organization for girls. The Beta Club, based on scholarship, leadership and service, is for girls only. Most clubs are described with gender requirement in the student handbook.

If unaware of Title IX, the district apparently has assimilated some implications of Title VI. The Girls Leadership Club, an organization for black girls, is not published in the Hammond High student handbook.

Pregnancy

> GIRL STUDENT: "White girls usually get married and drop out, but black students usually have the baby and come back."
>
> BOY STUDENT: "The boys don't get hassled like the girls, since you usually don't know who the male students are."
>
> **...Tangipahoa Parish, La.**

An apparently knowledgeable female senior said she thought student girls when pregnant must withdraw at seven months and said a pregnant girl was excluded from participation as cheerleader, majorette or Torette. She said most pregnant girls drop out because of pressure from school, friends, teachers, parents. An eighth grade boy said pregnant girls drop out "because they don't like school."

Pregnant employees (teachers and non-academic workers) are treated case-by-case and are discriminated against in re-employment only for "individual" reasons. A vocational education teacher reported that pregnant students receive no counseling: "A few years ago a girl could come in but that is now restricted."

A teacher said that maternity leave rules had been broadened, but he was not sure how.

A white female teacher reported that the district's health insurance does not cover pregnancy and other gynecological conditions.

Equal Opportunity

A white male teacher reported to our monitors: women in Tangipahoa Parish don't seem to want positions in administration, so they aren't recruited. Elementary school teachers are traditionally female.

The EE0-5 statistics reinforced his contention that elementary teachers are overwhelmingly female: 195 female white and 143 female black women are elementary teachers in Tangipahoa Parish. There are 42 white male elementary teachers, no black males.

A female teacher interviewed said that the selection of principals is a "sham." Only two principals in the district are female. Both are black. There are 21 white male principals, eight black males.

According to several teachers interviewed, the only progress in non sex-biased hiring practices is a suggestion by the administration that black females apply for principalships.

"If any females are chosen in the future to be principals, they will be black. This way they get two for one."

Another teacher said: "The school board does nothing to help females get administrative positions. We need women on the school board."

There is school board resistance to women, a male white principal admitted. He said there are no women on the board. This elementary principal also requested to go on record saying that "anybody who is capable of performing should be allowed to perform."

Dress Code

Girls must wear their hair in "standard acceptable styles." Excessive teasing (Afro) is not permitted. Boys may not wear rollers or braided hair.

Handbook: "If there is abuse of these guidelines, the administration is directed to cancel the privilege of wearing pant suits and pant dresses."

"My son had a book on Paul Revere. It related that Paul's wife died and their eight children were very sad until he brought them a horse."

...Parent, **Tangipanoa Parish, La.**

Textbooks

There was unanimous agreement among principals, teachers, parents and students that texts were sex-stereotyped and biased. Displeasure with outmoded and sex stereotyped material was expressed at all levels, by both sexes.

All students interviewed thought achievements of women were inadequately presented and that teachers made no attempt to compensate for weaknesses in the traditional curriculum.

A white female teacher said: "Women are absent in texts, but we do have Black History."

"I think it's a disgrace to segregate by sex, and the schools are race segregated, too, but they won't say so. Look at the buses. The ones that haul whites are parked ahead of the buses that haul blacks...or the whites are allowed to sit on the first two seats and the blacks behind."

...Parent of Two High School Seniors,
Magnolia, Miss.

AMITE COUNTY, MISSISSIPPI

Prior to 1969, the four public schools in Amite County were racially segregated, with two schools serving the black population, two the white.

In November, 1969, the U.S. Fifth Circuit Court of Appeals ordered the Amite County School District to implement a desegregation plan, and in December, 1969, the County complied by racially integrating the schools and then segregating them on the basis of sex.

The single-sex school plan was suggested by a representative of HEW, according to the president of the Amite County school board; then approved by the courts as an "interim emergency measure." The "interim" continued, and in 1976-77 schools in Amite County continued to be segregated by sex.

The Justice Department asked the court to review the single-sex school plan in December, 1974, but the attorney for the department said the court has not yet issued its final ruling nor indicated when it will.

In its complaint, the Justice Department cited Title II of the 1974 Education Amendments:

"The maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex or national origin denies to those students the equal protection of laws guaranteed by the Fourteenth Amendment..."

Roosevelt Steptoe, now vice-president of Southern University in Baton Rouge, La., headed an advisory committee representing the black community of Amite County in 1969, a committee formed to protest segregation by sex.

"A fear of throwing those young ladies in with those black boys prompted the sex segregation system," Steptoe said.

But the superintendent of schools in Amite County said:
"Boys and girls do ride school buses together, attend football games and participate in band together. We're not trying to completely isolate them."

According to monitors, girls at Gloster Girls' High School in Amite County, Miss., may participate in band only by being transported to the boys' school.

"The children are getting a good education. We don't feel like they're missing anything. The simple fact is, we're under a court order. We're operating like we're told to."

...Superintendent of Schools,
Amite County, Miss.

Monitoring in 1976 indicated that the Amite County school system is in non-compliance with Title IX in the following areas: curriculum, athletics, notification of compliance and self evaluation, equality of opportunity in employment. There are no female principals or administrators in the Amite County school system.

Curriculum

Courses in physics, vocational agriculture and industrial arts were offered at boys' schools only, monitors reported. Home economics and secretarial office practice are exclusively for girls, but the school system bookkeeper said:
"If enough boys wanted to take cooking and sewing, we could arrange it."

The superintendent said, "We try to offer a broad curriculum, but we are limited by money."

Amite County, Miss., schools have an 80 per cent black enrollment. For eight years the system has resisted compliance with Title VI of the 1964 Civil Rights Act, not only through its sex-separation devices, but also by separating classes by race. In each girls' school there are two to three classes for each grade, with students of one race either exclusively enrolled in a class or dominating it.

109

Monitors concluded that Title IX can eliminate the inequities of this rural Mississippi educational system only if single-sex schools are finally determined by HEW to be a violation of civil rights for students.

Notification

A public notice of Title IX compliance was published in the Franklin County, Miss. newspaper after monitoring began- a newspaper seldom if ever seen in Amite County, according to monitors residing there. The majority of students interviewed were ignorant of the law's implications. Neither were employees informed.

But the superintendent said:
"We will be in complete compliance in all areas, and we feel there are not any great problems that we cannot correct." He insisted that the system operates "like we were told by HEW."

The following materials requested of the superintendent were either not published or were not made available to monitors: student handbooks and dress codes, written notification of Title IX regulations and/or intent to comply for students, teachers and employees, faculty handbook, faculty directory, salary schedules. Monitors found no proof of self-evaluation procedures or of efforts to correct the effects of past discrimination in curricula.

Documented proof of notification to students and employees of the name, address and telephone number of the Title IX coordinator was not made available to monitors. No non-academic employees interviewed had heard of Title IX through local school authorities.

Employment Opportunity

The salary scale for academic and non academic employees requested by monitors was not made available by the administration. There are four schools in the Amite County school district, and all principalships and administrative positions are held by men.

Athletics

Football, played by boys only, is the major sport of the athletic program. For the first time in 1976 girls were offered basketball and track. Boys also have these sports, and girls interviewed expressed the desire to use the boys' football field for their track activity.

8. COMMUNITY ADVOCACY

"My daughter...is becoming an effective community advocate who knows her rights, the rights of others, and stands up for what she believes."

...Citizen Title IX Monitor, Miss.

HOW YOU CAN BECOME AN EFFECTIVE COMMUNITY ADVOCATE

Many persons who participated in this monitoring project had extensive experience in community surveying, others had less, but all exhibited careful attention to detail, sensitivity to problems in sex discrimination, and zeal for community advocacy. Many expressed the desire to continue their work and involve other organizations and other districts in the future. Some felt the monitoring work to be a learning experience for themselves and their families and discovered a sense of power in a citizen's personal effect on her or his school through advocacy.

An example of a monitor's personal satisfaction in her work is the following report from a monitoring coordinator in Mississippi:

"We found that school administrators were inadequately informed about the law and respected us and the information we could provide. It is exciting to realize that individuals who care about equity and work toward that end can truly effect change. Also a monitor's own children can benefit from the monitoring experience. My daughter, in her first year of junior high school, is becoming an effective community advocate who knows her rights, the rights of others, and stands up for what she believes."

What this woman achieved was done with hard work and the determination to "stick with" an issue until change is accomplished.

If institutions that affect the lives of children are to be changed, the operations of these institutions must be understood. Complicated regulations and laws must be studied in order to force reluctant school officials to obey them and to assist others who wish to obey but are not sure how to proceed.

The inaction and bureaucratic excuses of many school officials—local, state and federal—cannot be overcome until parents, students, school employees and concerned citizens know their rights, enlist others in their efforts, continue to monitor what actions are being taken, and work for changes that can make this society a decent, humane place for all children, regardless of race or sex.

Some sources of useful information

Dissemination of information is of primary importance to the effective implementation of Title IX. If students, parents and school system employees are not apprised of their rights, little change is possible. When years of sex discrimination have underlined behavior and reinforced unequal opportunity, attitudes remain the same when denied the impetus of information.

Statistical information on recipient school systems is available to the public under the federal Freedom of Information Act. Both academic and non-academic employees, citizens' groups, parents and students with interest in enforcement of Title IX may find the following information of value in future monitoring efforts.

Each year school systems are required to file forms, called EEO-5s, with the U.S. Equal Employment Opportunity Commission, showing how many employees they have in each job category in the system—by sex and race—and how many were hired for certain professional positions during the preceding year.

Through the 1974-75 school year, one copy of the EEO-5 was filed with the Office for Civil Rights as addendum to OCR's own annual Elementary and Secondary School Civil Rights Survey (Forms 101 and 102.) The survey and the collection of EEO-5s were suspended for the 1975-76 school term, despite the protests of civil rights and children's advocacy groups. The reason for the protests was that OCR cannot be assured of compliance with the laws it is charged with enforcing without adequate information from school districts.

The OCR surveys and EEO-5s, consisting of data for each school in the system and a district compilation, are available under the Freedom of Information Act from the regional office of OCR. You may request the individual school and district compilation forms of both the EEO-5s and the OCR Elementary and Secondary School Civil Rights Survey (forms 101 and 102) for the 1976-77 school year.

There will be available at least one sheet for each school in a system and at least one cover sheet containing district-wide data. If these sheets total more than 50 sheets, one may be required to pay 10 cents per sheet. HEW's own regulation under the Freedom of Information Act forbids it to charge for making fewer than five dollars worth of copies, but some OCR officials are not familiar with the HEW regulation and you can remind them that, under the law, it is never required to pay more than a 10-cent-per-sheet copying charge. (Federal law does allow a charge for "search," but none is necessary if the request is specific.)

How to evaluate a school district's self-evaluation

The Title IX requirement that districts do a self-evaluation is another source of information about sex discrimination in school districts. HEW's failure to prescribe a standard method or even to offer guidance to school districts considerably weakens this as a source of information.

Whatever the limitations, self-evaluation can be a valuable tool in citizen monitoring. Concerned citizen groups can assess the sincerity of the district in identifying discriminatory policies and practices. They can compare the district's findings of discrimination with their own. And if school officials have either overlooked or ignored problems, citizen monitors can illuminate the problems and initiate dialogues with officials about their solution. Any interested citizen can begin to monitor the district's compliance by requesting to see a copy of the district's self-evaluation. It may not be difficult to obtain access to the self-assessment, since this report's monitors found that most school officials seemed to believe they were performing according to the regulations and "doing a good job."

First, study the district's self-evaluation, section by section. For example, in the first section on "Employment Opportunity," study the findings of your school district in this area, and note where the district finds itself in compliance and where it sees need for change to eliminate sex discrimination in employment.

Second, obtain a salary schedule from the district to ascertain if salaries for the same duties and same experience are equal for men and women. Obtain a breakdown of administrative positions held by women and men to determine if women are denied promotion to administrative positions.

Third, interview employees, academic and non-academic, in your system to

gather additional data about compensation and promotional opportunity for men and women.

Fourth, compare the district's findings with the findings of your monitoring or community advocacy group.

Fifth, determine any discrepancies between your findings and the district's findings.

Sixth, initiate a dialogue with the Title IX coordinator about changes to be made to conform with Title IX's mandate to end sex discrimination in education.

Seventh, if your school district does not take the necessary steps for compliance, file a formal complaint with the Office for Civil Rights, Department of Health, Education and Welfare, or contact a local attorney interested in civil rights law. Address your complaint to the appropriate regional office for your area, OCR, department of HEW.

How to evaluate your school's grievance procedure

Your district is required to adopt and publish a grievance procedure for student and employee complaints that allege discrimination on the basis of Title IX. Since OCR stated that it "has not and will not issue guidelines or standards for grievance procedures," this area of Title IX compliance presents unusual problems for both monitors/community advocates and for school systems.

To insure your full rights under the mandate of Title IX in the area of Grievance Procedure, the following steps of investigation and other actions are suggested: First, check with your district or school to find out if a grievance procedure has been designed for student and employee complaints. Ask to see a copy of the grievance procedure. Has it been issued to students and employees? Has it been published?

Second, analyze the grievance procedure adopted by your district. Does it explain your rights under Title IX and the practices that constitute sex discrimination? Does it provide clear steps about how to file a complaint? Does it provide information about addressing the complaint: name, address. Does it provide the time allowed between the issuance of the complaint and the resolution?

Third, if your school system has not adopted a grievance procedure, inform the superintendent, Title IX coordinator, or other appropriate official that the district is in non-compliance with the Title IX mandate to adopt a grievance procedure. If the school system does not adopt a procedure as a result of your complaint, notify your regional office of OCR that the district is in non-compliance.

Fourth, if you find the school system's grievance procedure inadequate to meet the needs of students and employees, advocate the formation of briefing sessions and workshops to involve representatives of the student body, employees, administrators and Title IX coordinator for the purpose of formulating a clear equitable procedure for grievances.

How to file a complaint with HEW

Anyone who feels (s)he has been discriminated against on the basis of sex by the education system should file a complaint with HEW. By letting HEW know that the public expects enforcement of Title IX and letting the educational institution know that discriminatory practices will not be tolerated, filing a complaint has a dual benefit. Moreover, the mere act of filing a complaint may prompt the institution to correct these practices immediately on its own. We include some suggestions on how to file a complaint.

What is the deadline?

Generally, complaints must be filed no later than 180 days after the discrimination occurs. However, if the discrimination is an ongoing problem, for example, unequal pay for equal work, a complaint can be filed at any time.

What should be in a complaint?

(1) name of the school district; (2) name of the person discriminated against; (3) description of the discriminatory action or policy; (4) supporting evidence if available; (5) your name, address and telephone number (and those of additional persons you feel should be contacted—be sure to explain why); and (6) a request for prompt action. The more information you provide HEW in the complaint, the more effectively HEW can handle it.

To whom should it be sent?

Send complaints to the director of the appropriate HEW regional Office for

Civil Rights. In addition, you may want to send copies to your congressional delegation, school board, local newspaper and organizations concerned with sex discrimination and/or women's issues.

What about the confidentiality?
HEW must keep confidential the name of the person or group filing a complaint; however, names may have to be revealed during the investigation. If you wish your name to remain confidential, stress this in your complaint and ask HEW to let you know in advance if your name has to be revealed.

What will HEW do with your complaint?
Once HEW has received a complaint it will generally notify the affected institution that a complaint has been received, attempt to resolve the complaint with a few telephone calls or conduct an on-site investigation, notify the complainant and the institution in writing of HEW's findings and negotiate with the institution to set up procedures to overcome any discrimination found. HEW's ultimate weapon is the cutting off of federal education funds.

Although the regulation requires institutions to establish a formal local grievance procedure, anyone with a sex discrimination complaint may file with OCR of HEW and bypass the local grievance procedure altogether.

Student pregnancy

Since the Title IX regulations now define what is essentially a national policy on pregnant girls and teenage mothers, monitoring the implementation of these regulations is critical. It is especially important to find out what the school district's "old" policy was, written or unwritten, and to make contact with the appropriate policy makers to find out how the policy is being adjusted, if at all, in light of Title IX.

Stopping the exclusion of pregnant girls and teenage mothers from school does not involve new programs or new money—it involves implementing the mandate of the Title IX regulations. Although school districts had until July 21, 1976, to come up with their complete self-evaluation, there was no excuse for exclusions to be tolerated in the interim. Since exclusion of pregnant girls has traditionally been subtle, it is important to remember that the Title IX regulations emphasize the relevance of procedures as well as policies. If a school has a non-discriminatory official, written policy, but in practice follows traditional patterns of discrimination, it is in violation of Title IX.

If your school district sets up separate facilities for pregnant girls, try to find out whether they meet the Title IX standard of educational comparability, by talking with students and teachers and visiting the facility. If a school system chooses to set up a special program outside the framework of the regular classroom, it must be careful to assure the special services provided such as counseling, prenatal care, and courses in child development are a supplement and not a replacement for academic instruction. Study the information available on the various kinds of special programs that have been implemented around the country. Familiarity with both the successes and failures of existing "comprehensive" programs will give you a better basis on which to assess programs in your community and have input into the development of improved or new programs.

Find out whether your school district and/or local government are receiving any federal or state funds to run programs that are providing or could provide services for pregnant girls and teenage mothers. Examine those programs not only to assess what services they provide but also to evaluate how they are coordinated with the school district's policies and programs.

Full compliance with Title IX vis-a-vis pregnant girls and teenage mothers clearly involves not only elimination of old policies of outright exclusion and benign neglect, but also establishment of affirmative action programs in the form of positive incentives to help them remain in school. And it is unlikely that the past patterns will be overcome without vigilant citizen advocacy.

Athletics

First of all, look very closely at your elementary, middle and junior high schools. Are playground activities and physical education classes integrated? Are younger children—elementary school children, particularly—offered any kind of athletic training or opportunity to participate in sports?

Officials often blame their failure to pro-

vide women's sports in the secondary schools on claims that girls just aren't interested in athletics. While our survey proved that most girls are not only interested but highly resentful of their schools' failures to provide athletic opportunities, we also found that there is some truth to the belief that *fewer* girls have athletic interests and the skills necessary to compete with males. The reason clearly is not an innate lack of interest in developing physical prowess or lack of enjoyment of physical activity and skill development, but rather the failure of schools to provide either incentive or opportunity to young girls.

Few elementary schools offer physical education programs. But when those programs do begin—at middle or junior high—it is often part of their purpose to train boys but usually not girls for athletic competition.

It did not surprise us to learn that most of the money in secondary school athletic budgets goes for football. This sport, which for all but a handful of male students is purely a spectator sport, demands the most money, the most energy, the most time from our schools' athletic officials. Football coaches receive the largest supplements the schools offer, and ex-football coaches fill many if not most of the administrative positions. Football is allowed to rob school athletic programs of their energy and opportunity because it fulfills not students' but adults' needs.

Scholarships

School officials rarely feel any responsibility for scholarships awarded to their students. Where a school does not provide an athletic program, it does not produce female athletes to receive athletic scholarships that colleges are under pressure to present to women because of Title IX.

The power of citizen monitoring

The following is a summary submitted to the Southeastern Public Education Program, AFSC, by the monitoring coordinator of a school district in Mississippi. Her summary of the monitoring experience is an eloquent testimonial to citizen participation and SEPEP's belief that "laws must be made to work."

We have had the exciting experience of validating the American Friends Service Committee position that **"in some school districts sex discrimination policies will change as soon as someone from the community points out the violation and its effects on people."**

Within a month and a half, our School District has moved from the point of not knowing who their Title IX coordinator was to being fully enmeshed in a self-evaluation process. Within the several week period during which the school considered (and denied) our request to conduct this study, the school board met and declared official intent to comply with the Title IX regulations, developed a grievance procedure which was published in the newspaper and sent home to each parent, designated the Personnel Policies Committee to do the self-evaluation and held a Title IX training session for principals.

All of us who participated experienced the power of citizen monitoring techniques. We clearly saw its effectiveness in generating a dialogue among concerned parents and students and teachers which focused attention on discriminatory school practices and neglected opportunities. The most important function of this project was arming citizens with the information and regulations with which to confront the school administration.

The school administration has demonstrated over and over again that, although they are willing to comply with federal regulations, they must be confronted repeatedly with specific, indefensible violations about which employees and/or parents are knowledgeable before they will move.

We hope that this study will be the stepping off point for future citizen education, citizen monitoring efforts in a number of areas including Title I and apparent civil rights violations. There is much potential in the use of the PTA Council which includes many white and black parents and possibly in the newly merging teacher associations as channels for employee and parent and student complaints.

As we discussed with the school superintendent, we found many areas needed to be studied by the self-evaluation process. We hope that the school system will use the AFSC questionnaires and handbook in their evaluation. The most obvious facts include the historical absence of women principals and administrators.

We endorsed the spontaneous effort in this community to get a woman on the school board. There is a lack of encouragement for women to advance as employees, from teacher-aide to teacher, from teacher to principal.

Teachers, despite the superintendent's denial, have many grievances they are afraid or discouraged from expressing and need an effective grievance channel. School board meetings need to be open, advertised and reported. Sick leave must be paid for maternity leave.

In almost every teacher interview, we had requests for help—including need for help in obtaining a scholarship, requests for more Title IX materials and training, an apparent violation of a civil rights law suit, an apparent shuffling of students and teachers during a Title I site visit, and formerly pregnant teachers denied benefits. We will continue on a case-by-case basis to investigate teacher grievances.

We intend to continue efforts in Title IX monitoring, realizing that the contacts made and information shared is only a beginning. March has been a most difficult month to monitor here, not only because of the lack of school cooperation but because of a heavy outbreak of flu.

Since the school system had provided absolutely no materials or information on Title IX prior to the inception of this project, a great deal of time went into explaining it to each person being interviewed. The most frequent answer throughout all of the questionnaires is, "I don't know." There was initially much reluctance on the part of both those doing the interviewing and those being interviewed over getting involved because of their feeling of ignorance over Title IX. We want to thank the AFSC for breaking this barrier for us and for the success of this project in getting our school district moving on Title IX.

ADDENDA

ADDENDA

ADDENDUM A - Methodology 123

ADDENDUM B - Glossary 124

ADDENDUM C - Final Title IX Regulation 125

ADDENDUM D - Testing 135

ADDENDUM E - Parent As Advocate 137

ADDENDUM F - List of LEAs Monitored 144

122

METHODOLOGY

Data for this report was collected by volunteers from community organizations working in 21 school districts in six southern states. Professionally directed training sessions on monitoring were held for participants in all districts.

A Title IX monitoring manual developed by the Southeastern Public Education Program of the American Friends Service Committee and detailed questionnaires, also developed by SEPEP, were provided monitors at these training sessions.

Communication between monitors and the monitoring director of SEPEP was ongoing following the training sessions, and the actual monitoring of the 21 districts was completed in the late spring of 1976, with data covering the first year of Title IX implementation.

The purpose of the Title IX monitoring project was to help local citizens arm themselves with the detailed information needed to substantiate violations of the law and seek remedies at the appropriate levels.

Each monitoring group had a coordinator who acted as a liaison with SEPEP, kept a schedule of interview dates and the person conducting the interviews, read all questionnaires to determine their correct and legible completion, wrote or was responsible for writing a final narrative report and was general spokesperson for the work of the group. The coordinator could delegate some of these responsibilities to other persons. All interviews were required to be conducted in person, and questionnaires were not provided in advance to interviewees.

Confidentiality:

Sometimes with good reason, private citizens were hesitant to give opinions to monitors without an assurance that their names would not be published or otherwise linked publicly to their remarks. The student, teacher and non-academic employee questionnaires carried assurances of confidentiality. The same assurance was not offered to other interviewees unless they indicated they would like to speak off the record. In all cases, monitors recorded identifying information, even if it was not to be used, so that further contacts could be made if necessary for additional information.

General Advice Given Monitors

1. Inform the superintendent that the project is to be conducted.
2. Be fully informed of all provisions of Title IX regulations.
3. Be completely familiar with all questionnaires.
4. In deciding which schools in a district to monitor, consider locating schools which strike certain balances: suburban and inner-city schools; middle class and low income schools; majority white and majority black schools; vocationally oriented schools and schools with college preparatory curriculums; schools with reputations as "good" schools and schools with reputations as "bad" schools.

Questionnaires, Forms A through J

FORM A: Teachers

FORM B: Non-academic Employees

FORM C: Title IX Coordinators

FORM D: Principals

FORM E: Guidance Directors and Counselors

FORM F: Vocational and Career Education Directors, and Vocational and Career Education Teachers

FORM G: Athletic and Physical Education Directors, and Coaches and Physical Education Teachers

FORM H: Students, Parents and Other Adults

FORM I: Superintendent and School Board

FORM J: Supporting Materials

Narrative and Summary

(Instructions to Monitors)

At the end of the monitoring project, each coordinator should write (or supervise the writing of) a summary of the group's findings which evaluates the status of Title IX in your district. The summary could include monitors' evaluations of the worst compliance problems in the district and official responses to those problems; effects of sex discrimination that you have noted among the interviewees; attempts to unscramble contradictions among different respondents' answers; actions the group has taken or wants to take to encourage better compliance with Title IX; evaluations of school policies that may tend to violate Title IX, like dress codes, fringe benefits and pregnancy regulations, and monitors' feelings about their district and sex discrimination after monitoring.

If you have been successful in making officials aware of enforcement failures and have thereby brought about change, let us know in detail how you did it. If you have had any experience with the Office for Civil Rights, we would like to know about it.

Finally, we would like to know about districts that are making a good faith effort to comply with the law, or to go even further than the law by evaluating and throwing out sexist textbooks and curricula. In the final report we would like to cite districts that are doing a good job, tell how they are doing it and describe the effects it is having.

ADDENDUM B

GLOSSARY

Adams in this report refers to litigation filed in 1970 by the NAACP Legal Defense and Education Fund (LDF) that alleged a "general and calculated default by HEW in its enforcement of Title VI" *Adams vs. Matthews.*

AFSC—The American Friends Service Committee.

Assurance of Compliance—a statement that recipients of federal funds (school systems) are required to file with OCR saying that they will comply with the law.

Chief State School Officer—in this report referred to as State School Superintendent.

EEOC—refers to the Equal Employment Opportunity Commission.

EEO5—the form school systems are required to file with EEOC showing how many employees are in each job category in the school system by race and sex.

ESEA—refers to Title I of the Elementary and Secondary Education Act.

ESAA—refers to the Emergency School Assistance Act.

Grievance Procedure—Title IX requires that each recipient (school system) adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX.

HEW—The United States Department of Health, Education, and Welfare.

LEA—Local Education Agency, referred to as school system or school district in this report.

OCR—Office for Civil Rights of HEW. OCR is charged with enforcing Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

Region IV—refers to the Atlanta, Ga., Regional Office of the Office for Civil Rights, HEW.

Self-Evaluation—"self-evaluation" in this report refers to Section 86.3 of the Title IX Regulation that requires that school districts must: evaluate their current policies and practices, modify inadequate practices and policies, take remedial steps to correct past discriminatory practices and policies.

SEPEP—The Southeastern Public Education Program of the American Friends Service Committee.

TITLE VI—"Title VI" as used in this report refers to Title VI of the Civil Rights Act of 1964. Title VI protects individuals from being excluded from participation in, denied the benefits of, or being subjected to discrimination in programs or activities receiving federal financial assistance on the grounds of race, color, or national origin.

TITLE IX—"Title IX" as used in this report refers to that portion of the Education Amendments of 1972 that forbids discrimination on the basis of sex in educational programs or activities that receive federal funds.
Specifically, Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..."

TITLE IX COORDINATOR—the employee/s that school systems are required by Title IX to designate to coordinate Title IX activities.

101—refers to the school district summary form of the Office for Civil Rights Elementary and Secondary School Civil Rights Survey.

102—refers to the individual school form of the Office for Civil Rights Elementary and Secondary School Civil Rights Survey.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

Title IX, Education Amendments Act of 1972

IMPLEMENTING REGULATION PROHIBITING SEX DISCRIMINATION IN EDUCATION
Effective Date: July 21, 1975

PART 86—NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Subpart A—Introduction

Sec.
86.1 Purpose and effective date.
86.2 Definitions.
86.3 Remedial and affirmative action and self-evaluation.
86.4 Assurance required.
86.5 Transfers of property.
86.6 Effect of other requirements.
86.7 Effect of employment opportunities.
86.8 Designation of responsible employee and, adoption of grievance procedures.
86.9 Dissemination of policy.

Subpart B—Coverage

86.11 Application.
86.12 Educational institutions controlled by religious organizations.
86.13 Military and merchant marine educational institutions.
86.14 Membership practices of certain organizations.
86.15 Admissions.
86.16 Educational institutions eligible to submit transition plans.
86.17 Transition plans.
86.18-86.20 (Reserved).

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

86.21 Admission.
86.22 Preference in admission.
86.23 Recruitment.
86.24-86.30 (Reserved).

RULES AND REGULATIONS

Subpart D-Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

Sec.
86.31 Education programs and activities.
86.32 Housing.
86.33 Comparable facilities.
86.34 Access to course offerings.
86.35 Access to schools operated by L.E.A.s.
86.36 Counseling and use of appraisal and counseling materials.
86.37 Financial assistance.
86.38 Employment assistance to students.
86.39 Health and insurance benefits and services.
86.40 Marital or parental status.
86.41 Athletics.
86.42 Textbooks and curricular material.
86.43-86.50 (Reserved).

Subpart E —Discrimination on the Basis of Sex In Employment in Education Programs and Activities Prohibited

86.51 Employment.
86.52 Employment criteria.
86.53 Recruitment.
86.54 Compensation.
86.55 Job classification and structure.
86.56 Fringe benefits.
86.57 Marital or parental status.
86.58 Effect of State or local law or other requirements.
86.59 Advertising.
86.60 Pre-employment inquiries.
86.61 Sex as bona-fide occupational qualification.
86.62-86.70 (Reserved).

Subpart F—Procedures

86.71 Interim procedures.

Subpart A—Introduction

§ 86.1 Purpose and effective date.

The purpose of this part is to effectuate title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part. This part is also intended to effectuate section 844 of the Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484. The effective date of this part shall be July 21, 1975.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682, as amended by Pub. L. 93-568, 88 Stat. 1855, and Sec. 844, Education Amendments of 1974, 88 Stat. 484, Pub. L. 93-380)

§ 86.2 Definitions.

As used in this part, the term—

(a) *"Title IX"* means title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855, except §§ 904 and 906 thereof; 20 U.S.C. §§ 1681, 1682, 1683, 1685, 1686.

(b) *"Department"* means the Department of Health, Education, and Welfare.

(c) *"Secretary"* means the Secretary of Health, Education, and Welfare.

(d) *"Director"* means the Director of the Office for Civil Rights of the Department.

(e) *"Reviewing Authority"* means that component of the Department delegated authority by the Secretary to appoint, and to review the decisions of, administrative law judges in cases arising under this Part.

(f) *"Administrative law judge"* means a person appointed by the reviewing authority to preside over a hearing held under this Part.

(g) *"Federal financial assistance"* means any of the following, when authorized or extended under a law administered by the Department:

(1) A grant or loan of Federal financial assistance, including funds made available for:

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer

REPRINTED FROM THE FEDERAL REGISTER, VOL. 40, NO. 108—WEDNESDAY, JUNE 4, 1974

of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(h) *"Recipient"* means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any subunit, successor, assignee, or transferee thereof.

(i) *"Applicant"* means one who submits an application, request, or plan required to be approved by a Department official, or by a recipient, as a condition to becoming a recipient.

(j) *"Educational institution"* means a local educational agency (L.E.A.) as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section.

(k) *"Institution of graduate higher education"* means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(l) *"Institution of undergraduate higher education"* means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associate degree, or wholly or principally creditable toward a baccalaureate degree; or

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) An agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(m) *"Institution of professional education"* means an institution (except any institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(n) *"Institution of vocational education"* means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.

(o) *"Administratively separate unit"* means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(p) *"Admission"* means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.

(q) *"Student"* means a person who has gained admission.

(r) *"Transition plan"* means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901 (a) (2) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.3 Remedial and affirmative action and self-evaluation.

(a) *Remedial action.* If the Director finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Director deems necessary to overcome the effects of such discrimination.

(b) *Affirmative action.* In the absence of a finding of discrimination on the basis of sex in an educational program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246.

(c) *Self-evaluation.* Each recipient education institution shall, within one year of the effective date of this part:

(i) Evaluate, in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(ii) Modify any of these policies and practices which do not or may not meet the requirements of this part: and

(iii) Take appropriate remedial steps to eleminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(d) *Availability of self-evaluation and related materials.* Recipients shall maintain on file for at least three years following competition of the evaluation required under paragraph (c) of this section, and shall provide to the Director upon request, a description of any modifications made pursuant to subparagraph (c) (ii) and of any remedial steps taken pursuant to subparagraph (c) (iii).

(Secs. 901, 902 Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.4 Assurance required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Director, that each education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Director if the applicant or recipient to whom such assurance applies fails to commit itself to take whatever remedial action is necessary in accordance with § 86.3 (a) to eliminate existing discrimination on the basis of sex or to eliminate the effects of past discrimination whether occurring prior or subsequent to the submission to the Director of such assurance.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurance shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(c) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.5 Transfers of property.

If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of Subpart B.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.6 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; sections 799A and 845 of the Public Health Service Act (42 U.S.C. 295h-9 and 298b-2); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d); and any other Act of Congress or Federal regulation.

(Secs. 901, 902, 905, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1685)

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or allevaited by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex, to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.7 Effect of employment opportunities.

The obligation to comply with this Part is not obviated or alleviated because employment opportunities in any occupation of profession are or may be more limited for members of one sex than for members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.8 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.

(b) *Complaint procedure of recipient.* A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.9 Dissemination of policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that is required by title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of title IX and this part to such recipient may be referred to

the employee designated pursuant to § 86.8, or to the Director.

(2) Each recipient shall make the initial notification required by paragraph (a) (1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in: (i) Local newspapers; (ii) newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) memoranda or other written communications distributed to every student and employee of such recipient.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

Subpart B—Coverage

§ 86.11 Application.

Except as provided in this subpart, this Part 86 applies to every recipient and to each education program or activity operated by such recipient which receives or benefits from Federal financial assistance.

§ 86.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section, shall do so by submitting in writing to the Director a statement by the highest ranking official of the institution, identifying the provisions of this part which conflict with a specific tenet of the religious organization.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.13 Military and merchant marine educational institutions.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marine.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.14 Membership practices of certain organizations.

(a) *Social fraternities and sororities.* This part does not apply to the membership practices of social fraternities and sororities which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education.

(b) *YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.* This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.

(c) *Voluntary youth service organizations.* This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; Sec. 3(a) of P.L. 93-568, 88 Stat. 1862, amending Sec. 901)

§ 86.15 Admissions.

(a) Admissions to educational institutions prior to June 24, 1973, are not covered by this part.

(b) *Administratively separate units.* For the purposes only of this section, §§ 86.15 and 86.16, and Subpart C, each administratively separate unit shall be deemed to be an educational institution.

(c) *Application of Subpart C.* Except as provided in paragraphs (c) and (d) of this section, Subpart C applies to each recipient. A recipient to which Subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.

(d) *Educational institutions.* Except as provided in paragraph (e) of this section as to recipients which are educational institutions, Subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(e) *Public institutions of undergraduate higher education.* Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(Secs. 901, 902 Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C., 1681, 1682)

§ 86.16 Educational institutions eligible to submit transition plans.

(a) *Application.* This section applies to each educational institution to which Subpart C applies which:

(1) Admitted only students of one sex as regular students as of June 23, 1972; or

(2) Admitted only students of one sex as regular students as of June 23, 1965, but thereafter admitted as regular students, students of the sex not admitted prior to June 23, 1965.

(b) *Provision for transition plans.* An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of Subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in § 86.17, which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than June 23, 1979.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.17 Transition plans.

(a) *Submission of plans.* An institution to which § 86.15 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each such unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes, as regular students and, if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacles to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which § 86.16 applies shall result in treatment of applicants to or students of such recipient in violation of Subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 86.16 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.18—86.20 (Reserved)

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 86.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in §§ 86.16 and 86.17.

(b) Specific prohibitions. (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies shall not:

(i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) Otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.22 Preference in admission.

A recipient to which this subpart applies shall not give preference to applicants for admission, on the basis of attendance at any educational institution or other school or entity which admits as students or predominantly members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.23 Recruitment.

(a) *Nondiscriminatory recruitment.* A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § 86.3(a), and may choose to undertake such efforts as affirmative action pursuant to §86.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as

students only or predominantly members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§§ 86.24—86.30 (Reserved)

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 86.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a recipient, to which Subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) *Assistance administered by a recipient educational institution to study at a foreign institution.* A recipient educational institution may administer or assist in the administration of scholarships, fellowships; or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at or who are graduates of the recipient institution; *Provided,* a recipient educational institution which administers or assists in the administration of such scholarships, fellowship, or other awards which are restricted to members of one sex provides, or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

(d) *Programs not operated by recipient.* (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia and cooperative employment and student-teaching assignments.

(2) Such recipient;

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student, or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.32 Housing.

(a) *Generally.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.* (1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which, through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as is provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) Proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or person which provides all or part of such housing to students only of one sex.

(Secs. 901, 902, 907, Education Amendments of 1972, 86 Stat. 373, 374, 375; 20 U.S.C. 1681, 1682, 1686)

§ 86.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374)

§ 86.34 Access to course offerings.

A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational,

technical, home economics, music, and adult education courses.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with the section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

(Secs 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.35 Access to schools operated L.E.A.s.

A recipient which is a local educational agency shall not, on the basis of sex, exclude any person from admission to;

(a) Any institution of vocational education operated by such recipient; or

(b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

(Sections 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.36 Counseling and use of appraisal and counseling materials.

(a) *Counseling.* A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.

(b) *Use of appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipients shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.

(c) *Disproportion in classes.* Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

§ 86.37 Financial assistance.

(a) *General.* Except as provided in paragraphs (b), (c) and (d) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) On the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate;

(2) Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) *Financial aid established by certain legal instruments.* (1) a recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; *Provided,* that the overal effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) To ensure nondiscriminatory awards of assistance as required in subparagraph (b) (1) of this paragraph, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under subparagraph (b) (2) (i) of this paragraph; and

(iii) No student is denied the award for which he or she was selected under subparagraph (b)(2)(i) of this paragraph because of the absence of a scholarship, fellowship, or other form of financial assistance designated for a member of that student's sex.

(c) *Athletic scholarships.* (1) To the extent that a recipient awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 86.41 of this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

§ 86.38 Employment assistance to students.

(a) *Assistance by recipient in making available outside employment.* A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) *Employment of students by recipients.* A recipient which employs any of its students shall not do so in a manner which violates Subpart E.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.40 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) *Pregnancy and related conditions.* (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or estracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.41 Athletics.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by recipient, and no recipient shall provide any such athletics separately on such basis.

(b) *Separate teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose of major activity of which involves bodily contact.

(c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, amont other factors:

(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

(ii) The provision of equipment and supplies;

(iii) Scheduling of games and practice time;

(iv) Travel and per diem allowance;

(v) Opportunity to receive coaching and academic tutoring;

(vi) Assignment and compensation of coaches and tutors;

(vii) Provision of locker rooms, practice and competitive facilities;

(viii) Provision of medical and training facilities and services;

(ix) Provision of housing and dining facilities and services;

(x) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams

for one sex in assessing equality of opportunity for members of each sex.

(d) *Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682; and Sec. 844, Education Amendments of 1974, Pub. L. 93-380, 88 Stat. 484)

§ 86.42 Textbooks and curricular material.

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.43—86.50 (Reserved)

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 86.51 Employment.

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this Subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

(b) *Application.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.53 Recruitment.

(a) *Nondiscriminatory recruitment and hiring.* A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(b) *Recruitment patterns.* A Recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.55 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex , unless sex is a bona-fide occupational qualification for the positions in question as set forth in § 86.51.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.56 Fringe benefits.

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the provision of § 86.54.

(b) *Prohibitions.* A recipient shall not:

(1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex; or

(3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.57 Marital or parental status.

(a) *General.* A recipient shall not apply any policy or take any employment action:

(1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) *Pregnancy.* A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination or pregnancy, or recovery thereform.

(c) *Pregnancy as a temporary disability.* A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) *Pregnancy leave.* In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.58 Effect of State or local law or other requirements.

(a) *Prohibitory requirements.* The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) *Benefits.* A recipient which provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a *bona-fide* occupational qualification for the particular job in question.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.60 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona-fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or sterotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

(Secs. 901, 902, Education Amendments of 1972, 86 Stat. 373, 374; 20 U.S.C. 1681, 1682)

§ 86.62—86.70 (Reserved)

Subpart F—Procedures (Interim)

§ 86.71 Interim procedures.

For the purposes of implementing this part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to title IX and other civil rights authorities administered by the Department, the procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 45 CFR §§ 80—6—80—11 and 45 CFR Part 81.

ADDENDUM D

TESTING

Basic principles in the final Title IX regulation include that counseling services may not differentiate on the basis of sex in terms of career or course guidance offered; tests or other materials used for appraising or evaluating students, including the use of tests which permit or require different treatment of the results on the basis of sex.

The following are descriptions of vocational interest instruments commonly in use:
Strong Vocational Interest Blank: has two separate test booklets, one for each sex; contains explicitly sexist items (e.g."Do you like stag parties?") and gender-loaded occupational titles (policeman, salesman); includes an antiquated masculinity-femininity scale; limits options solely on the basis of sex.

Strong-Campbell Interest Inventory: a 1974 revision of the SVIB described above. Eliminates most, but not all of the sex bias problems of the SVIB. Recommended by OCR's manual for use with students who are professionally oriented.

Holland's Self-Directed Search: cited in studies for its sex bias; activities are categorized as "realistic" and "conventional" on the basis of sex; uses gender-specific occupational titles; a person must limit responses to what he or she has done rather than to what he or she might like to do, thus further limiting choices on the basis of experiences which may not have been available to members of both sexes.

Kuder Occupational Interest Survey, Form DD: revisions were made in 1974 in the reporting system and in the interpretative leaflet with the intent of removing sex-bias; previously females' interests were compared only on female-normed occupational scales; all but a few of the occupational titles are not gender-linked; intended for college students, students in grades 11-12, and adults.

Kuder General Interest Survey, Form E (new version of Form C): Interpretative materials have been revised to explain why there are separate norms for males and females. Both male and female profiles are reported for any given person if the sex grid is left blank on the machine scorable answer sheet; on the hand-scored version, a student can develop both male and female profiles. Two levels of profile leaflets, one for grades 6-8 and one for grades 9-12, are available. It would seem that there are still problems with this one, much being dependent on instructions given by the test administrator.

The Non-Sexist Vocational Card Sort: designed with the express purpose of providing an unbiased means of assessing vocational interest; uses gender-neutral occupational titles. Available from the University Counseling Center, University of Florida.

Note: The above information for the most part was taken from **Eliminating Sex Discrimination in Schools: A Source Book, North Carolina State Department of Public Instruction, Raleigh, N. C.: May, 1975.**

PARENT AS ADVOCATE
The following correspondence is included as an example of one parent's efforts to end sex discrimination in Athletics. All letters included here are copies of original documents.

Department of Health, Education, and Welfare
Region IV
50 77th Street, N. E.
Atlanta, Georgia 30323

Office of the
Regional Director

Room 10

April 4, 1976

Ms. Margaret C. Ellis
4661 Pinewood Drive
Mobile, Ala. 36618

Dear Ms. Ellis:

Re: Complaint #IV-75-25A (Formerly IV-74-150)

This is to acknowledge receipt of your March 24, 1976 letter to Ms. Gwen Gregory, of our Washington office. As you were advised by that office on April 23, 1976, your letter has been referred to this office.

As you know, we are presently investigating the concerns expressed in your letter as a result of your complaint previously filed with this office. Regarding the status of our investigation, we have contacted the Alabama State Department of Education in an effort to resolve any areas of noncompliance with Title IX in the existing rules and regulations of the Alabama High School Athletic Association.

Thank you for the updated information (excerpts from the Spring Sports Book, March, 1976), which will be included with the material that you have already submitted. If there is additional information or questions, please feel free to contact us.

Sincerely yours,

W. Lamar Clements, Chief
Elementary and Secondary
Education Branch
Office for Civil Rights

ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION

April 9, 1976

Ms. Margaret B. Ellis
Post Office Box 8332, 161 Dogwood Lane
Mobile, Alabama 36608

Dear Ms. Ellis:

The girls track program does not presently include the 2-mile run. Students who participate in the longest track event for all divisions in the track program, sponsored by this Association,

are limited to that event only. This is the mile run in the girls program. I disagree with you that it discriminates against the girls. I don't think that discrimination is an issue in this matter. I'm sorry that you do not agree with the rules. You and I have discussed this several times on previous occasions, however, the rule will remain in effect until it is changed by the Alabama High School Athletic Association.

If I may be of further service to you in any way, please contact me again.

Sincerely yours,

Herman L. Scott
Executive Secretary

HLS:kdr

cc: Mr. Sage Lyons, Mobile, AL
1st District Athletic Board

May 7, 1976

W. Lamar Clements, Chief
Elementary and Secondary Education Branch
Office for Civil Rights
Dept. of H.E.W.
Atlanta, Georgia

Complaint #IV-75-25A
(Formerly IV-74-150)

Dear Mr. Clements:

Thank you for your letter of April 4. I appreciate your efforts on behalf of my claim, but I am genuinely concerned that so little is being accomplished.

This claim was filed when my daughter, a distance track runner, was a freshman in high school. She is now completing her sophomore year. TWO COMPLETE TRACK SEASONS HAVE PASSED and she has been penalized this length of time by rules of the Alabama High School Athletic Association which prohibit her from full participation in track meets while allowing boys to do so.

She has lost two years time when she might have attracted the attention of colleges for scholarship consideration. Theodis Abston, the Mobile high school star we wrote about on April 7, has just received a full college scholarship in track at Auburn University. He has been allowed throughout his high school career to run the mile, the half-mile and a relay event.

How the executive secretary of the AHSAA can say this rule does not discriminate is beyond the realm of intelligent thinking. I attach his letter of April 9. The rules clearly discriminate against girls and I certainly do not like them. It is for this very reason that I have filed this claim.

I am very disappointed at the rate justice is progressing. My daughter will graduate from high school at the rate we are moving unless some action is forthcoming.

Sincerely yours,

Margaret B. Ellis

cc: HEW-DCA
NAGWS-DCA

Department of Health, Education, and Welfare
Region IV
50 77th Street, N. E.
Atlanta, Georgia 30323

Office of the
Regional Director

Room 10

November 18, 1976

Ms. Margaret C. Ellis
4661 East Pinewood Dr.
Mobile, Alabama 36618

Dear Ms. Ellis:

Re: Complaint #IV-75-25A

This is to advise you that the investigation of your complaint against the Alabama High School Athletic Association (AHSAA) has been completed. We regret the time required to complete this investigation. However, as you know, your complaint was received prior to the implementation of the Department's Title IX regulation. Also, as discussed with you previously, the AHSAA is not a direct recipient of federal funds. Therefore, it was necessary for this matter to be coordinated through the Alabama State Department of Education, which is a recipient of federal funds as well as the State's public schools that are governed by the rules and regulations of the AHSAA.

We have determined that your complaint is valid. This complaint alleged sex discrimination against female students in the association's rules and regulations governing interscholastic sports activities; specifically, in track, basketball, and unitary team provisions in track and tennis. You also complained of the lack of provisions for female representation on rules committees.

Subpart D, Section CFR 86.41 of the Title IX regulation prohibits discrimination on the basis of sex in athletics.

We have concluded that certain rules and regulations of the Alabama High School Athletic Association are discriminatory on the basis of sex and are therefore in violation with the provisions of Title IX.

Attached is a copy of our letter to the Alabama State Department of Education, which addresses each of your concerns and includes our findings and the corrective action necessary to achieve compliance with the appropriate provisions of the Title IX Regulations.

We appreciate your interest in equal educational opportunity and if you have any further questions concerning this matter, please contact us.

Sincerely yours,

William H. Thomas, Director
Office for Civil Rights

Enclosure

Department of Health, Education, and Welfare
Region IV
50 77th Street, N. E.
Atlanta, Georgia 30323

Office of the
Regional Director

Room 10

Nov. 18, 1976

Mr. Wayne Teague
State Superintendent of Education
Alabama Department of Education
State Office Building
Montgomery, Alabama 36130

Dear Mr. Teague:

Re: Title IX Complaint #IV-75-25A — Against the Alabama High School Athletic Association (AHSAA)

We have received your letter of May 13, 1976, in response to our letter of April 9, 1976, concerning the above complaint.

Your letter expressed the Alabama State Education Agency's commitment to full compliance with the provisions of Title IX of the Education Amendments of 1972. Also, we understand that members of your staff have met with officials of the Alabama High School Athletic Association, who have assured your department that they also intend to comply with the nondiscriminatory athletic provisions of the law.

Subsequent to your referral of our April 9th letter to the AHSAA, we received a letter, dated May 26, 1976, from Mr. Herman L. Scott, Executive Secretary of the Alabama High School Athletic Association, in which he addressed the issues raised by the complainant. As discussed in our last letter, the complainant alleged sex discrimination against female students in the AHSAA's rules and regulations governing interscholastic sports activities in track, basketball, and unitary team provisions for track and tennis. The complainant also pointed out a lack of provision for female representation on rules committees.

As you are aware, Section 86.41 of the Title IX regulation prohibits discrimination on the basis of sex in athletics. Also, a departmental memorandum of September, 1975, entitled, "Elimination of Sex Discrimination in Athletic Programs," provided guidance to ensure equal opportunity in athletics.

We have now completed our investigation of the complaint. Based upon information provided by the complainant and the Alabama High School Athletic Association, we have concluded tht certain AHSAA rules and regulations are discriminatory on the basis of sex and are therefore in noncompliance with the provisions of Title IX. The following is a summary of our findings:

Limitation on the Number of Track / Field Events:

Information provided by the complainant and enumerated in our April 9th letter showed that the AHSAA's rules pertaining to the number of track events were revised twice during the 1975-76 school year from those shown in the Spring 1975 rules:

(1) The 1975-76 Handbook (distributed in September, 1975) allowed senior high school boys five events including relays (no more than four field or four track events) while girls were limited to four events (no more than three track or three field events);

(2) In February, 1976 special rules for the State Indoor Track Meet changed the wording to "a contestant" may not compete in more than four events consisting of not more than three field events or three track events, including relays.

Mr. Scott's letter of May 26, 1976, stated that the AHSAA Directors met with the Women's Advisory Committee in September, 1975 and decided to raise the number of girls' events from three to four, which is apparently the same as reflected in subparagraph (1) above. He did not specify any changes to the limitation of five events for boys shown in (1) above. We did note, however, that the special rules for the State Indoor Track Meet (outlined in subparagraph (2) above) did not set forth different limitations on the basis of sex, but instead used the term "contestant". Since these were special rules for the State Indoor Track Meet and Mr. Scott did

not indicate that the boys' limitation had been revised, we presume that currently the boys are still allowed five events and girls four events, subject to the individual track and field limitations as outlined in the 1975-76 Handbook (see subparagraph (1) above).

We are not concerned that the association sets limitations on such events, but rather that such limitations are imposed on the basis of sex. Under Title IX, limitations may be placed on participation on a sex-neutral basis. For example, the number of events rated at a particular level of difficulty in which a person could participate could be specified, as long as the degree of difficulty was determined objectively and without regard to sex. Thus, depending on the level of difficulty accorded to specific events, one individual might be permitted to participate in more events than another. However, limits on participation established solely on the basis of sex, whether or not the events are the same of both sexes, are prohibited by Title IX. Thus, the AHSAA's limitations of four events for girls and five events for boys are in violation of Title IX, unless the four events can be shown to be the equivalent of the five events, as measured by sex-neutral criteria.

Events Offered

The complainant allowed discrimination against female students by allowing boys the two-mile run event, while allowing girls only the one-mile run event. Junior high school boys are also allowed the 1-mile event. The complainant charged that to categorize senior high school girls the same as junior high school-aged boys disregards the physical maturity of the high school girls and their abilities. Also, the complainant stated that the girls are physically capable of more than the one-mile run because they are required to run from six to ten miles in practice.

Information received from Mr. Scott indicated that the girls' track and field program does not include such events as the pole vault, triple jump, two-mile run, and the 330 intermediate hurdles. He further stated that it had been determined by the AHSAA that "it is not wise to include these events in the girls' track and field program at this time."

As you know, Section 86.41 (b) of the Title IX regulation states:

> "...where a recipient operates or sponsors a team in a particular sport for members of one sex, but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport..."

Further, Section 86.41 (c) of the Title IX regulation provides:

> "Equal Opportunity. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:
>
> "(i) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes..."

Therefore, since track is a noncontact sport, if there are events established for boys which are not established for girls and there is interest shown by girls in that particular event, girls may not be excluded from that event on the basis of sex.

Unitary Teams:

The complainant charged tht the AHSAA rules do not permit unitary teams (teams composed of members of both sexes) in track and tennis, because of separate rules for boys and girls. Therefore, since there are no AHSAA rule provisions that apply to unitary teams, the complainant said that teams composed of both sexes cannot legally participate in interscholastic competition.

Mr. Scott's letter confirmed this allegation in the case of sports for which the Association sponsors separate female and male championship programs. He stated, however, that for sports in which the AHSAA does not sponsor separate male and female championship programs, girls are permitted to participate on the boys' team, but boys are not allowed to participate on the girls' team.

The above information provided by Mr. Scott raised the following questions. If the AHSAA does not sponsor separate-sex teams in certain sports, why are they referred to by the AHSAA as boys' teams or girls' teams? Also, if the AHSAA does not sponsor separate-sex teams in certain sports, why does the AHSAA impose restrictions on the participation in such teams that exclude persons on the basis of sex?

As provided in the Title IX regulation, Section 86.41, a recipient may operate unitary teams composed of members of both sexes in any sport. Therefore, rules which do not permit interscholastic competition for unitary teams would operate to deny equal opportunity to such

teams on the basis of sex. In accordance with the regulation, the provisions for unitary teams' full participation in athletic competition is required, the same as is required for teams offered separately by sex.

Basketball:

The complainant charged that the AHSAA was considering the adoption of six-player rules for girls' basketball, which could adversely affect girls' opportunities for college scholarships, since five-player rules have been adopted by the National Association of Girls' and Women's Sports. However, Mr. Scott advised that this was the proposal of a member of the Association last year, but was voted on by all member schools of the Association and defeated.

Rules Committee:

The complainant suggested that females should be represented on committees that form rules for girls' sports with a democratic process enforced to permit female input into regulatory decisions.

Mr. Scott advised that a Women's Advisory Committee was organized in 1968, which has been utilized in developing the AHSAA girls' sports program. This committee met last in September, 1975 with the sectional volleyball tournaments "for the purpose of making final plans and arrangements for the volleyball tournaments and to go over the schedule of the entire girls' program." Also, Mr. Scott provided a letter, dated September 9, 1975, announcing a meeting for September 16, 1975 of the volleyball tournament directors and advisory committee. According to Mr. Scott, the letter was sent to eight female members of the girl's athletic advisory committee and ten female college advisors, in addition to the girls' volleyball tournament directors and co-directors (ten females and two males). We also noted that apparently the AHSAA Central Board of Control consists of all-male members.

Based upon information provided by Mr. Scott, the Women's Advisory Committee apparently functions only in an advisory capacity. Although, the Title IX regulation does not mandate specific numbers of members of both sexes to hold seats on such regulatory boards and committees, Section 86.41(s) does provide that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics..." Further, Section 86.41(c) states: "a recipient which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal opportunity for members of both sexes."

We concur with the complainant that to show good faith and commitment to equal athletic opportunity without regard to sex, meaningful female representation on decision-making boards and committees is essential.

In order to achieve compliance with Title IX in the areas discussed in this letter, the above-noted violations must be corrected, including at a minimum the following actions:

1. Abolish the differential limitations which are imposed on the basis of sex in the number of track and field events allowed for boys and girls.
2. Either open all track events to both male and female athletes or establish separate-sex track events, whichever effectively accommodates the interest and abilities of members of both sexes.
3. Establish provisions to accommodate full participation in interscholastic competition for unitary teams, commensurate with the benefits and privileges given single-sex teams.

Please provide within 30 days of the date of this letter evidence to show that the above actions have been taken. This information should include the following:

1. A copy of the 1976-77 AHSAA Handbook
2. A copy of revisions to the AHSAA Handbook
3. A narrative description of the changes made in the number of track and field events allowed all athletes and in the provision for unitary team competition.
4. A copy of minutes of Board meetings or other authority affecting the revisions.
5. Evidence that all member-schools have been notified of the changes.
6. Description of the action taken to include female participation on decision-making boards and committees.

It should be noted that the findings outlined in this letter are limited to those issues raised by this complaint and does not imply a full review of the AHSAA's rules and regulations. If situations exist in other respects which result in differential treatment on the basis of sex, they too would be in violation of Title IX and should be corrected.

As stated in our April 9, 1976 letter, the adherence to discriminatory athletic regulations by those

AHSAA-member school districts which are recipients of Federal financial assistance renders them in noncompliance with the law. Therefore, the discrimination must be eliminated in order for those school districts to continue their support and membership in the AHSAA. The prohibition against significant assistance to discriminatory agencies, organizations, or persons is addressed in Section 86.31(b) (7) of the Title IX regulation.

In view of this, we urge your agency to assist local school districts in this matter through the use of the expertise and resources of your department, some of whom are represented on AHSAA committees. Again, we request that each of the AHSAA's rules, regulations, and practices be reviewed by your department in light of the nondiscriminatory requirements of Title IX, and that a copy of the results of your study be provided this office. Please furnish this report within 30 days of the date of this letter.

Finally, this office plans to conduct an on-site Title IX review of the Alabama State Education Agency in the near future. We will be in contact with you further regarding these plans.

We appreciate your cooperation in this matter and look forward to receiving the information requested above. If we may be of assistance, please feel free to contact us.

Sincerely yours,

William H. Thomas, Director
Office for Civil Rights (Region IV)

cc: Chief State School Officer
bc: Henderson, Thomas, Yarbrough,
Orig., St., Spec., RF

MJ:sb 08/09/76

Some photographs courtesy The Clarion Ledger.

ADDENDUM F

LEAs MONITORED FOR THIS REPORT

ALABAMA
Homewood City District, Homewood, Ala.
Auburn City District, Auburn, Ala.

ARKANSAS
Camden #35, Camden, Ark.
Fairview School District #16, Fairview, Ark.
Harmony Grove School District #1, Camden, Ark.
Russellville School District #14, Russellville, Ark.

GEORGIA
Valdosta City School District, Valdosta, Ga.
Worth County School District, Ga.

LOUISIANA
Caddo Parish, La.
Jefferson Parish, La.
Tangipahoa Parish, La.

MISSISSIPPI
Amite County, Miss.
Franklin County, Miss.
Jackson Municipal Separate School District, Jackson, Miss.
Oxford Separate School District, Oxford, Miss.
Starkville Separate School District, Starkville, Miss.

SOUTH CAROLINA
Daniel Attendance Area, Pickens County, S.C.
Greenville School District, Greenville, S.C.
Sumter #2, S.C.
Sumter #17, S.C.
York #3, Rock Hill, S.C.

145